

## **EXHIBIT C (PART 2)**

MICHAEL STEPSKI  
November 9, 2006

STEPSKI v.  
THE M/V NORASIA ALYA

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MICHAEL STEPSKI  
November 9, 2006

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**Lawyer's Notes**

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**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**MICHAEL STEPSKI**  
**January 4, 2007**

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[1] UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

[2]

[3] MICHAEL STEPSKI; KIRSTEN :  
STEPSKI, WIFE; GEAL RODERICK, :

[4] and BENJAMIN SCHÖBER : INDEX NO  
: 06 CV 01694

[5] VS. : (CM)

[6] THE M/V NORASIA ALYA, ET AL :

[7]

[8]

[9] VOLUME 2

[10]

[11]

[12] DEPOSITION OF: Michael Stepski

[13] DATE: January 4, 2007

[14] HELD AT: Stovens, Harris,  
Guernsey & O'Neill, P.C.

[15] 351 Main Street  
Niantic, CT 06357

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23] REPORTER: Peggy McKie, RPR, LSR No. 175

[24]

[25]

MICHAEL STEPSKI

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WITNESS

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STIPULATIONS**

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[2] MICHAEL STEPSKI

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[17]

[18]

[19] ALSO PRESENT:

[20] Kirsten Stepski

[21]

[22]

[23]

[24]

[25]

[1]

[2]

[3]

[4]

[5] IT IS STIPULATED by counsel for the

[6] parties that all objections are reserved until the

[7] time of trial, except those objections as are

[8] directed to the form of the question.

[9]

[10]

[11] IT IS FURTHER STIPULATED AND AGREED

[12] between counsel for the parties that the reading

[13] and signing of the deposition transcript by the

[14] deponent are not waived.

[15]

[16]

[17]

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

MICHAEL STEPSKI  
January 4, 2007

Min-U-Script®

FINK &amp; CARNEY (800) NYC-FINK

(1) (Whereupon, the  
(2) at 12:19 p.m.)  
(3) MICHAEL A. STEPSKI  
(4) having been first  
(5) examined and re-  
(6) stituted, he dep-  
(7) oses the follow-  
(8) ing facts:  
(9) Q: Mr. Stepski,  
(10) remind you, I'm  
(11) represent the No-  
(12) this action, and I  
(13) oath. This is a co-  
(14) your deposition.  
(15) A: Yep.  
(16) Q: Okay. Mr. St-  
(17) of your Connecti-  
(18) A: No.  
(19) Q: Do you hav-  
(20) boater's license a-  
(21) A: Today? Well,  
(22) copy of it.

(1) Q: Okay. Well,  
(2) deposition, the fi-  
(3) called for its pro-  
(4) counsel that we I-  
(5) received a copy  
(6) MR. HEALEY: A-  
(7) one that I found  
(8) MR. WEIGEL: O-  
(9) MR. HEALEY: A-  
(10) meet with you to  
(11) straightened out.  
(12) MR. WEIGEL: O-  
(13) MR. HEALEY: T-  
(14) license, you're tal-  
(15) MR. WEIGEL: R-  
(16) Safe Boater's Lice-  
(17) official title.  
(18) MR. HEALEY: C-  
(19) BY MR.  
(20) Q: We also, dur-  
(21) ing the previ-  
(22) or the previous p-  
(23) for an invoice or  
(24) Services —  
(25) MR. HEALEY: I

(12) are those in fact the model numbers for the  
(13) Q: Okay. Do the rest of your recollection  
(14) A: Yes.  
(15) Do you see that there?  
(16) Since writing the above,  
(17) it's in the first block paragraph after the word  
(18) "Since writing the above."  
(19) Do you see that there?  
(20) A: Yep.  
(21) Q: Okay. To the best of your recollection,  
(22) are those in fact the model numbers for the  
(23) BY MR. WEIGEL:  
(24) (DEFENDANT'S EXHIBIT NO. 1) is marked  
(25) (Discretionary page of the record)  
(26) MR. WEIGEL: Okay. On the record  
(27) MR. HEALEY: But I got from Mike,  
(28) MICHAEL STEPSKI

(12) MR. WEIGEL: Okay.  
(13) A: A bill of sale.  
(14) MR. HEALEY: There's a bill of sale  
(15) MR. WEIGEL: Okay.  
(16) Q: Okay. Do you see that there?  
(17) MR. HEALEY: Yes. For some  
(18) MR. WEIGEL: Do you see that there?  
(19) MR. HEALEY: Yes. For some  
(20) MR. WEIGEL: Do you see that there?  
(21) MR. HEALEY: Yes. For some  
(22) MR. WEIGEL: Do you see that there?  
(23) MR. HEALEY: Yes. For some  
(24) MR. WEIGEL: Do you see that there?  
(25) MR. HEALEY: Yes. For some



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**MICHAEL STEPSKI**  
 [2] different pieces of equipment that are listed?  
 [3] **A:** I believe so, yes.  
 [4] **Q:** Okay. Specifically I'm asking about the  
 [5] Furuno radar which, if you could just let me see  
 [6] that a minute, which is listed as a Furuno FI51-10A.  
 [7] Is that, as far as you recollect, the  
 [8] radar that was on the Ava Claire at the time of the  
 [9] accident?  
 [10] **A:** I don't remember if that's the exact  
 [11] model number, but I know it was a Furuno radar.  
 [12] **Q:** But you don't remember the model number?  
 [13] **A:** No. Not off the top of my head, no.  
 [14] **Q:** Is it the same — did you have the same  
 [15] model radar on all of your boats?  
 [16] **A:** Nope. I had the, I believe it was the  
 [17] same one on my smaller boat, the Phyllis Anne.  
 [18] **Q:** And is the radar on the Phyllis Anne  
 [19] still on the Phyllis Anne, same radar?  
 [20] **A:** I believe so. Yep.  
 [21] **Q:** So you'd be able to look at the radar on  
 [22] the Phyllis Anne and tell if that model number — or  
 [23] you'd be able to identify the model number by  
 [24] looking at the radar on the Phyllis Anne?  
 [25] **A:** Sure.

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**MICHAEL STEPSKI**  
 [2] **Q:** Okay. Well, we're going to leave a blank  
 [3] in the transcript, and we're going to ask you to  
 [4] provide to your counsel —  
 [5] **MR. HEALEY:** Don't leave a blank. I  
 [6] will agree, get the number, give it to  
 [7] me, and I'll give it to you.  
 [8] **MR. WEIGEL:** All right. Plaintiff's  
 [9] counsel has agreed that he will provide  
 [10] us with the number of the radar, the  
 [11] model number of the radar on the  
 [12] Phyllis Anne.  
 [13] **MR. HEALEY:** Yes.  
 [14] **BY MR. WEIGEL:**  
 [15] **Q:** I just want to make sure I understand  
 [16] your testimony, Mr. Stepski. That is the same model  
 [17] type of radar that was on the Ava Claire at the time  
 [18] of the accident?  
 [19] **A:** I believe so, yes.  
 [20] **Q:** Okay. That radar that was on the  
 [21] Ava Claire at the time of the accident, did it have  
 [22] a feature that allowed you to mark a contact and  
 [23] have the radar track it automatically?  
 [24] **A:** I don't think so, no.  
 [25] **Q:** Okay. Did the radar have the ability to

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**MICHAEL STEPSKI**  
 [2] designate a contact and have the radar calculate  
 [3] that contact's course and speed?  
 [4] **A:** No.  
 [5] **Q:** So the only way you could determine a  
 [6] contact's course and speed using that radar would be  
 [7] to do a manual calculation yourself, correct?  
 [8] **A:** Right.  
 [9] **Q:** Okay. On the day of the accident, at any  
 [10] time while you were engaged in fishing, did you in  
 [11] fact make calculations of any of the contacts that  
 [12] you saw on the radar? Did you make calculations of  
 [13] their courses and speeds?  
 [14] **A:** Just the course, yes.  
 [15] **Q:** And how did you go about making a  
 [16] calculation of the course?  
 [17] **A:** I just watched it as it was coming down  
 [18] my heading to see if it was — see what course it  
 [19] was on, basically.  
 [20] **Q:** Well, if you were on a heading of north,  
 [21] and the contact's heading was coming down your  
 [22] course line, what would the course of the contact  
 [23] be?  
 [24] **A:** South.  
 [25] **Q:** And would that apply whether you were

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**MICHAEL STEPSKI**  
 [2] moving or not?  
 [3] **A:** Would it apply? What do you mean?  
 [4] **Q:** Would that answer apply whether your  
 [5] ship, the Ava Claire, was moving or stationary?  
 [6] **A:** Yes, it would still be the same as long  
 [7] as you're holding course.  
 [8] **Q:** Okay. Did you make any type of plot of  
 [9] the radar contacts that you detected on the morning  
 [10] of the collision?  
 [11] **A:** Did I make a —  
 [12] **Q:** A plot. Did you take —  
 [13] (Mrs. Stepski entered room.)  
 [14] **MR. HEALEY:** Just a minute. You  
 [15] might want to note this is Mike's wife.  
 [16] Kirsten Stepski has now arrived. You  
 [17] remember Mr. Unger and Mr. Weigel?  
 [18] **MRS. STEPSKI:** Yes. Sorry I'm late.  
 [19] **MR. WEIGEL:** No, that's quite all  
 [20] right.  
 [21] **BY MR. WEIGEL:**  
 [22] **Q:** Did you take a piece of paper and either  
 [23] write down or put down graphically the information  
 [24] from any of the contacts that you had detected on  
 [25] the radar?

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[1] **MICHAEL STEPSKI**  
[2] A: No.  
[3] Q: Now, when you first detected a target on  
[4] the radar on the morning before the collision, would  
[5] you remind us, what was the range when you first  
[6] detected that target?  
[7] A: It was over six miles.  
[8] Q: And do you recall what range scale the  
[9] radar was set at?  
[10] A: Six miles.  
[11] Q: And was the center offset or — was the  
[12] own ship offset, or was it on the center?  
[13] A: The center.  
[14] Q: Well, if the range scale was set at six  
[15] miles, how could you have detected the target if it  
[16] was more than six miles away?  
[17] A: Because it shows a little bit more than  
[18] six miles at the top and the bottom of the radar.  
[19] Q: How much does it show at the top and the  
[20] bottom, do you know?  
[21] A: I believe that varies as to what range  
[22] you're set at. So I don't remember offhand what it  
[23] was at six miles.  
[24] Q: Is it a percentage —  
[25] MR. HEALEY: May I — I would

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[1] **MICHAEL STEPSKI**  
[2] clarify, Alan, we're continuing the  
[3] deposition. You said you're not going to  
[4] go over what has been covered.  
[5] MR. WEIGEL: Right. Right.  
[6] MR. HEALEY: All right, because  
[7] we're getting close. All right, fair.  
[8] Go ahead.  
[9] MR. WEIGEL: Like I said, there's  
[10] been discussion with counsel about the  
[11] radar manual, which we're advised is not  
[12] available. So I'm really only trying to  
[13] understand the operation, the physical  
[14] operation of that radar.  
[15] MR. HEALEY: Fair enough. Go ahead.  
[16] MR. WEIGEL: Some of the questions  
[17] may be a little overlapping because  
[18] they're preliminary to the questions I  
[19] might ask about the operation of the  
[20] radar.  
[21] MR. HEALEY: I have all the faith in  
[22] you. We both know what we agreed upon.  
[23] MR. WEIGEL: Right.  
[24] MR. HEALEY: And you're not going to  
[25] just try to retrack what we've already

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[1] **MICHAEL STEPSKI**  
[2] gone over.  
[3] MR. WEIGEL: Oh, no, no. Absolutely  
[4] not.  
[5] BY MR. WEIGEL:  
[6] Q: So as far as you — if I understand your  
[7] testimony, then, was the amount greater than six  
[8] that you could see some percentage of what the range  
[9] scale was?  
[10] A: Yeah, I believe.  
[11] Q: So if it was six miles, you could maybe  
[12] see six and a half; but if it was a three-mile range  
[13] scale, you might only be able to see three and a  
[14] quarter?  
[15] A: I think that's how it was.  
[16] Q: Something like that?  
[17] A: Yeah.  
[18] Q: Okay. What do you have to do to change  
[19] the range scale?  
[20] A: You just press the range button down, and  
[21] it went to three miles.  
[22] Q: Now, if I understand, you only had one  
[23] radar display on the Ava Claire, is that correct?  
[24] A: Yeah.  
[25] Q: And was the display and the control unit,

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[1] **MICHAEL STEPSKI**  
[2] were those separate pieces of equipment, or was the  
[3] control unit integral with the display?  
[4] A: The control, yes, was displayed on the  
[5] same unit.  
[6] Q: All right. So in other words, in order  
[7] to make any adjustments to the display, you actually  
[8] had to go physically to the display to do that?  
[9] There was not some remote piece of equipment that  
[10] you could do that with?  
[11] A: Right.  
[12] Q: Is that correct?  
[13] A: Right.  
[14] Q: Okay. Did you only have one mode  
[15] possible, and that was — oh, I'm sorry.  
[16] We mentioned a mode here just a minute ago  
[17] that you had own ship centered?  
[18] A: Um-hmm.  
[19] Q: Were there any other options that you  
[20] could choose besides own ship centered on that  
[21] radar?  
[22] A: I don't believe so.  
[23] Q: Now, I understand the radar did not have  
[24] any connection with a gyro compass of any kind, is  
[25] that correct?



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[1] **MICHAEL STEPSKI**  
[2] **A:** No.  
[3] **Q:** So you could only be in relative —  
[4] **MR. HEALEY:** What did you say? No,  
[5] he is correct?  
[6] **THE WITNESS:** He is correct, yeah.  
[7] **BY MR. WEIGEL:**  
[8] **Q:** Okay. So you could only use the radar in  
[9] relative mode, correct?  
[10] **A:** Relative mode?  
[11] **Q:** Do you understand the difference between  
[12] a relative mode and a true mode radar?  
[13] **A:** No.  
[14] **Q:** Okay. Now, besides the vessel that  
[15] eventually had the collision with the Ava Claire,  
[16] while you were working — from the time you started  
[17] working the nets, did you ever have any other radar  
[18] contacts?  
[19] **A:** Contact — other vessels?  
[20] **Q:** Other vessels, besides the one that  
[21] eventually collided with your vessel.  
[22] **A:** I don't remember.  
[23] **Q:** You don't remember a possible radar  
[24] target that passed to the south at some point?  
[25] **A:** I think there was one, yes, but I don't

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[1] **MICHAEL STEPSKI**  
[2] recall it offhand, no.  
[3] **Q:** So you don't remember the circumstances  
[4] of that other radar contact that you may have seen?  
[5] **A:** No.  
[6] **Q:** Now, when you were basically hauling the  
[7] nets, and during the period of time you were hauling  
[8] the nets and you had this radar contact, you were  
[9] looking at this radar contact, I'm not sure that  
[10] you've told us your recollection of what the  
[11] heading, the true heading of the Ava Claire was  
[12] during that period of time.  
[13] **A:** East.  
[14] **Q:** It was due east?  
[15] **A:** Well, it was changing as we jogged ahead  
[16] and were hauling the nets.  
[17] **Q:** And how much of a variation to the right  
[18] and left of east would you say that you experienced  
[19] during that period of time as you were jogging ahead  
[20] hauling the nets?  
[21] **A:** I don't remember exactly at the time how  
[22] much it was.  
[23] **Q:** Was it more than 30 degrees to the right  
[24] and left of east?  
[25] **A:** It could have been, but 30's probably a

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[1] **MICHAEL STEPSKI**  
[2] good guess.  
[3] **Q:** Could it have been much more than  
[4] 30 degrees?  
[5] **A:** At times it could have been, sure.  
[6] **Q:** Okay. Now, as you were making these  
[7] course variations to the right and to the left of  
[8] east, were you still watching that radar contact?  
[9] **A:** Yes.  
[10] **Q:** And where did the radar contact appear?  
[11] As you were moving to the right and left,  
[12] did the radar contact's bearing change to the right  
[13] or the left?  
[14] **A:** Yes. Yes.  
[15] **Q:** Do you recollect that the radar contact's  
[16] bearing changed each time in about the same amount  
[17] that your own ship's heading had changed from east  
[18] to the right or left?  
[19] **A:** Yes.  
[20] **Q:** So in your mind, there was a good  
[21] correlation between the movement that you saw the  
[22] target making to the right and the left and the  
[23] ship's swing to the right and left, correct?  
[24] **A:** Yes.  
[25] **Q:** Okay. At some point did you change your

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[1] **MICHAEL STEPSKI**  
[2] ship's, your vessel's heading from east to some  
[3] other course prior to the collision?  
[4] **A:** No.  
[5] **Q:** So at the time of the collision, what was  
[6] Ava Claire's course at the time of the collision?  
[7] Or heading. I'm sorry.  
[8] What was Ava Claire's heading at the time  
[9] of the collision?  
[10] **A:** I don't remember exactly the heading, but  
[11] we were basically hauling to the east.  
[12] **Q:** So when you saw that the other ship was  
[13] bearing down on you and you told your crew to  
[14] disconnect the nets, you didn't change the  
[15] Ava Claire's heading at that point to try and go in  
[16] a different direction?  
[17] **A:** No.  
[18] **Q:** Now, after the collision, I think there's  
[19] been either some testimony or some written record  
[20] that you heard, or maybe one of the other crewmen  
[21] heard, a ship passing close by in the fog, is that  
[22] correct?  
[23] **A:** We heard noise. Engine noise.  
[24] **Q:** Do you recall how soon after the  
[25] collision that you heard that engine noise?

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MICHAEL STEPSKI

- (1) A: No. No, I don't.
- (2) Q: Let's see if we can pin it down in terms
- (3) of the events that happened. Some of this is going
- (4) to be a little repetitive of your previous
- (5) testimony, but I just want to sort of get you to
- (6) remind yourself of that sequence of events, and then
- (7) we'll see where in that sequence of events we can
- (8) put that engine noise.
- (9) Do you understand what I'm trying to do?
- (10) A: Sure.
- (11) Q: Okay. So you had the collision, and you
- (12) were all in the water, floating in the water, okay?
- (13) A: Um-hmm.
- (14) Q: And at some point the life raft popped to
- (15) the surface, is that correct?
- (16) A: Yes.
- (17) Q: And you all get in the life raft?
- (18) A: Yep.
- (19) Q: And then at some point after that I
- (20) believe you are the one who dove into the water to
- (21) go to the section of the Ava Claire that was still
- (22) afloat and get the exposure suits, correct?
- (23) A: Yep.
- (24) Q: And do you bring all three exposure suits
- (25)

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MICHAEL STEPSKI

- (1) back to the life raft?
- (2) A: Yes.
- (3) Q: Did you do that all at once? I mean, you
- (4) saw all three suits and brought them, or did you
- (5) have to make three trips between the life raft and
- (6) the bow section?
- (7) A: Yeah, three trips.
- (8) Q: Three trips. Okay. So then now you all
- (9) have three exposure suits in the life raft, and you
- (10) put all three — all three of you put the exposure
- (11) suits on, correct?
- (12) A: Yes.
- (13) Q: All right. Then at some point you find
- (14) the EPIRB floating in the water, correct?
- (15) A: Yes.
- (16) Q: Was that before or after you put the
- (17) exposure suits on?
- (18) A: I think it was after.
- (19) Q: Okay. So now you're in the life raft,
- (20) you're in the exposure suits, and you found the
- (21) EPIRB floating in the water?
- (22) A: Yes.
- (23) Q: And then sometime after that the
- (24) helicopter comes and you get rescued?
- (25)

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MICHAEL STEPSKI

- (1) A: Right.
- (2) Q: So when you heard the engine noise, were
- (3) you floating in the water without being in an
- (4) exposure suit?
- (5) A: No, we were in the raft.
- (6) Q: Okay. You were in the raft.
- (7) Were you in the raft wearing an exposure
- (8) suit or not wearing an exposure suit?
- (9) A: I don't remember. I think we were
- (10) wearing them.
- (11) Q: All right.
- (12) A: I don't remember, though.
- (13) Q: And so you might have been wearing them.
- (14) We're not going to hold you to that. Obviously your
- (15) recollection is a little fuzzy.
- (16) Do you remember, though, whether you
- (17) already found —
- (18) MR. HEALEY: Strike that remark,
- (19) "Obviously your recollection is a little
- (20) fuzzy." I don't know if it is. I do
- (21) know that he was under tremendous strain
- (22) at the time.
- (23) MR. WEIGEL: That's fine.
- (24) MR. HEALEY: That would be a
- (25)

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MICHAEL STEPSKI

- (1) different way to put it.
- (2) BY MR. WEIGEL:
- (3) Q: Do you recall if you already had the
- (4) EPIRB with you when you heard the engine noise?
- (5) A: I don't remember, really.
- (6) Q: So you're definitely in the life raft,
- (7) probably after you have already put exposure suits
- (8) on, and whether or not you'd already had the EPIRB,
- (9) you can't say for sure?
- (10) Sometime in that period of time is when
- (11) you heard the engine noise?
- (12) A: Yes. Yes.
- (13) Q: Okay. Well, let's see if we can go back
- (14) a little bit and just narrow a couple of things.
- (15) Do you have some idea about how long you
- (16) were in the water before the life raft — before you
- (17) saw the life raft and it had come to the surface?
- (18) A: Probably only a minute or two.
- (19) Q: Okay. And how long after you got in the
- (20) life raft did you decide to swim over to the
- (21) floating section of the Ava Claire to get the
- (22) exposure suits?
- (23) A: That was a little while. Maybe —
- (24) MR. HEALEY: Don't give him a maybe.
- (25)



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[1] **MICHAEL STEPSKI**  
[2] If you can tell him a time, tell him. If  
[3] you can't, I think we'd understand. I  
[4] don't think we want you guessing.  
[5] **BY MR. WEIGEL:**  
[6] **Q:** No, I don't want a guess. I want you to  
[7] give us your best recollection.  
[8] **MR. HEALEY:** Right.  
[9] **BY MR. WEIGEL:**  
[10] **Q:** So the three of you got in the raft. Did  
[11] you start talking to each other?  
[12] **A:** Yes.  
[13] **Q:** What did you — do you remember what —  
[14] what did you say to either one of your crew men?  
[15] **A:** I believe I asked them if they were hurt,  
[16] that sort of thing.  
[17] **Q:** Okay. Any other discussions that you  
[18] had, you remember having with them?  
[19] **A:** No.  
[20] **Q:** Do you remember the two of them talking  
[21] to you or talking among themselves?  
[22] **A:** No.  
[23] **Q:** Well, when you asked them if either one  
[24] of them were hurt, did they acknowledge you? Did  
[25] they say anything?

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[1] **MICHAEL STEPSKI**  
[2] **A:** I believe they said they were fine, you  
[3] know, that they weren't hurt.  
[4] **Q:** Did either one of them look like they  
[5] were hurt?  
[6] **A:** No.  
[7] **Q:** Sometimes people say they're not hurt,  
[8] but they might be. Did either one of them look like  
[9] they were hurt?  
[10] **A:** No.  
[11] **Q:** They were both alert?  
[12] **A:** Yes.  
[13] **Q:** They were able to respond to your  
[14] questions? You thought they understood what you  
[15] were asking them?  
[16] **A:** Yes.  
[17] **Q:** So how long after that discussion did you  
[18] go — after having that discussion, everyone's okay,  
[19] did you then decide at that point to go swim over to  
[20] the other part of the Ava Claire?  
[21] **A:** No. No, it wasn't right away. Um —  
[22] **MR. HEALEY:** That's an answer,  
[23] Michael. Remember, we all agreed, don't  
[24] guess.  
[25] **THE WITNESS:** Right. Okay.

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[1] **MICHAEL STEPSKI**  
[2] **BY MR. WEIGEL:**  
[3] **Q:** So would you say it was maybe 10 or 15  
[4] minutes? Could it have been that long?  
[5] **A:** Yeah, I'd say it was at least that.  
[6] Sure.  
[7] **Q:** Okay. Okay. Now, the vessel that you  
[8] had the collision with, when you saw that it was  
[9] bearing down on you, you saw it on the radar bearing  
[10] down on you, at some point you actually saw it  
[11] through the fog, correct?  
[12] **A:** Yes.  
[13] **Q:** You looked up, and do you have any idea,  
[14] either because you looked at the radar or because  
[15] you made an estimate visually, how far away it was  
[16] when you first saw it through the fog?  
[17] **A:** It couldn't have been more than a hundred  
[18] yards or so.  
[19] **Q:** Describe what you saw when you first saw —  
[20] the vessel through the fog.  
[21] **A:** I just saw the bow section of it with  
[22] the, you know, water coming off the shear of the  
[23] hull. That was pretty much it.  
[24] **Q:** Could you see the bulbous bow of the  
[25] vessel?

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[1] **MICHAEL STEPSKI**  
[2] **A:** I don't remember if I saw that.  
[3] **Q:** Now, you said you saw the water coming  
[4] off the bow, the bow wave, the bow wake?  
[5] **A:** Yeah.  
[6] **Q:** Do you recall, do you have some  
[7] recollection of how high that bow wave was?  
[8] **A:** If I can remember, maybe —  
[9] **MR. HEALEY:** Again, if you can  
[10] remember, say it.  
[11] **BY MR. WEIGEL:**  
[12] **Q:** Well, if you can't remember, then we'll  
[13] see if we can approach it the same way we approached  
[14] the timeline in the water. Let's see if we can  
[15] compare it to something.  
[16] **MR. HEALEY:** If I may. All I'm  
[17] saying to you, look, answer, but nobody  
[18] wants you to guess.  
[19] **MR. WEIGEL:** Right. Right.  
[20] **MR. HEALEY:** If Mr. Weigel asks you  
[21] a question and you don't know, tell him.  
[22] **BY MR. WEIGEL:**  
[23] **Q:** So let's — you don't really have a good  
[24] recollection right this minute as to how high the  
[25] bow wave is, is that what your testimony is?

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(1) **MICHAEL STEPSKI**  
(2) A: Yes.  
(3) Q: Okay. Well, let's see what we can do  
(4) about refreshing your recollection.  
(5) You've standing on the deck of the  
(6) Ava Claire. That deck is about at the water line?  
(7) A: Yeah, maybe a foot above it or something.  
(8) Q: Okay. You're looking out at the bow of  
(9) this oncoming ship?  
(10) A: Um-hmm.  
(11) Q: Was the bow wave higher than your head or  
(12) lower than your head?  
(13) A: Well, like I said, it was away from us,  
(14) so it was — I don't know. I don't know.  
(15) Q: Well, as it got closer, did you continue  
(16) to watch it?  
(17) A: Yes, yes, but I don't remember noticing  
(18) the waves as it got closer. I noticed it when I  
(19) first looked at it when I first saw it come through.  
(20) Q: Okay. What else can you describe about  
(21) that first look?  
(22) A: Just the blue hull. You know.  
(23) Q: Did you see any markings?  
(24) A: No. No, I don't remember seeing any.  
(25) Q: You don't remember any markings. Do you

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(1) **MICHAEL STEPSKI**  
(2) remember any other — besides the blue hull, could  
(3) you see any of the bottom paint?  
(4) A: I don't remember seeing the bottom paint.  
(5) Q: What was above the blue hull?  
(6) A: Above it?  
(7) Q: Yeah. I mean, was it blue all the way to  
(8) the bow? All the way to the forepeak?  
(9) A: Yes.  
(10) Q: Could you see any structure on the  
(11) forecastle?  
(12) A: No.  
(13) Q: As the ship got closer to you, did you  
(14) notice any other details?  
(15) A: Before it hit us?  
(16) Q: Yeah. Up till the time it hit you, did  
(17) you notice any other details?  
(18) A: No. No.  
(19) Q: How about either as or after it hit you,  
(20) did you look at the ship at any time?  
(21) A: After it hit us?  
(22) Q: After it hit you. Either as it's hitting  
(23) you or after.  
(24) A: Yeah, we watched it go right down the  
(25) side of us, and I saw the superstructure, the white

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(1) **MICHAEL STEPSKI**  
(2) superstructure.  
(3) Q: Where was that structure in relationship  
(4) to the fore and aft?  
(5) A: It was aft.  
(6) Q: So it had a combination house on the  
(7) after end, is that what you're trying to say?  
(8) A: Yeah, yeah. And I remember containers as  
(9) well, seeing the containers.  
(10) Q: And do you remember what markings were on  
(11) those containers?  
(12) A: No.  
(13) Q: Where were the containers that you saw?  
(14) A: Up on the deck.  
(15) Q: What part of the deck specifically, if  
(16) you can recall?  
(17) A: Oh, I don't remember. Well, what part of  
(18) it, no, I don't remember what part. Ahead of the  
(19) cabin.  
(20) Q: Well, they were in front of the  
(21) accommodation structure?  
(22) A: Yeah.  
(23) Q: Were there containers after the  
(24) accommodation structure as well?  
(25) A: No, I don't think so.

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(1) **MICHAEL STEPSKI**  
(2) Q: How many rows of containers do you  
(3) recollect seeing?  
(4) A: I don't remember them that specifically,  
(5) I just remember seeing containers. You know, I  
(6) couldn't tell you how many rows or anything like  
(7) that.  
(8) Q: Okay. Any details about the  
(9) accommodation house that you recall?  
(10) A: No, just the whiteness. I just remember  
(11) seeing how white it was, you know, clean, no rust,  
(12) that type of thing.  
(13) Q: Anything else that you recall besides  
(14) being clean and white and no rust?  
(15) A: No.  
(16) Q: Could you see the bridge?  
(17) A: I don't believe so.  
(18) Q: How about the funnel? Did you see the  
(19) funnel?  
(20) A: No. No.  
(21) Q: After it went by, did you look at the  
(22) stern?  
(23) A: No. At that point, we were getting wet,  
(24) I believe.  
(25) Q: So you didn't look back at the ship after



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(1) **MICHAEL STEPSKI**  
(2) it had already past?  
(3) **A:** Yeah, I took a look at it as it was going  
(4) into the fog.  
(5) **Q:** And what do you recall of that view as it  
(6) was going into the fog?  
(7) **A:** Just the white cabin and the blue hull.  
(8) **Q:** Could you see a name on the stern?  
(9) **A:** I don't remember seeing a name.  
(10) **Q:** Can you describe what the shape of the  
(11) stern was?  
(12) **A:** No.  
(13) **Q:** So was it round?  
(14) **MR. HEALEY:** He can't describe it.  
(15) **MR. WEIGEL:** He can't recall. I'm  
(16) trying to ask him if he can — I'm trying  
(17) to refresh his recollection.  
(18) **BY MR. WEIGEL:**  
(19) **Q:** Was the stern round or flat?  
(20) **A:** I don't remember.  
(21) **Q:** Okay. Did you see any markings on the  
(22) stern?  
(23) **A:** No, I don't remember seeing any.  
(24) **Q:** Okay.  
(25) **MR. WEIGEL:** I'm going to ask the

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(1) **MICHAEL STEPSKI**  
(2) court reporter to mark this as the next  
(3) exhibit. Exhibit 20.  
(4) (DEFENDANTS' EXHIBIT NO. 20 marked:  
(5) Connecticut Commercial Fishery  
(6) Statistics.)  
(7) **BY MR. WEIGEL:**  
(8) **Q:** Mr. Stepski, I put in front of you a  
(9) document that's been marked as Exhibit 20, and it's  
(10) entitled "Connecticut Commercial Fishery  
(11) Statistics." Here. You can look at that copy.  
(12) Do you recognize that document?  
(13) **A:** No.  
(14) **Q:** Well, it has your name on it. It says,  
(15) the second line says "FVTR records for Michael  
(16) Stepski." Do you see that?  
(17) **A:** Yep. Yep.  
(18) **Q:** FVTR, do you have any understanding what  
(19) the initials FVTR mean?  
(20) **A:** Fishing vessel trip report.  
(21) **Q:** Okay. And it says Plate No. 04891?  
(22) **A:** Um-hmm.  
(23) **Q:** Do you have any understanding of what it  
(24) means by Plate No. 04891?  
(25) **A:** Yeah, that's my Connecticut fishing

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(1) **MICHAEL STEPSKI**  
(2) license number.  
(3) **Q:** Do you have a copy of that fishing  
(4) license?  
(5) **A:** Yes.  
(6) **Q:** Do you have it with you here today?  
(7) **A:** No.  
(8) **MR. WEIGEL:** We call for the  
(9) production of Mr. Stepski's fishing  
(10) license.  
(11) **MR. HEALEY:** Didn't you send me that  
(12) already?  
(13) **MRS. STEPSKI:** I think we did.  
(14) **MR. HEALEY:** I think you did. All  
(15) right.  
(16) **MR. WEIGEL:** Do you have it?  
(17) **MR. HEALEY:** I'll have it next week  
(18) for you.  
(19) **MR. WEIGEL:** Okay.  
(20) **BY MR. WEIGEL:**  
(21) **Q:** So you've never seen this document  
(22) before, as far as you know?  
(23) **A:** No.  
(24) **Q:** So you didn't provide a copy of this  
(25) document to your counsel in response to requests for

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(1) **MICHAEL STEPSKI**  
(2) documents?  
(3) **A:** My wife may have, but I didn't.  
(4) **Q:** Ah, okay. Okay.  
(5) **MR. HEALEY:** Alan, off the record.  
(6) **MR. WEIGEL:** We can go off the  
(7) record if you want.  
(8) (Discussion held off the record.)  
(9) **BY MR. WEIGEL:**  
(10) **Q:** I'd like you to actually take a look at  
(11) this, and we'll see if we can ask you a couple of  
(12) questions. Even though you've seen it before, I  
(13) think there might be some questions we can ask about  
(14) it that are related to your knowledge.  
(15) If you look at the first page down on the  
(16) left-hand side of the page after the column "License  
(17) Number," it says "Date Sale." And then a couple of  
(18) columns over it says "Gear," and a couple further  
(19) columns over it says "Species."  
(20) **A:** Um-hmm.  
(21) **Q:** In the "Date Sale," the first — there's  
(22) probably about 20 entries for 2000.  
(23) Do you have a recollection of otter  
(24) trawling in 2000 for winter flounder, as it says  
(25) here, the otter trawling species? Is that the kind

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(1) **MICHAEL STEPSKI**  
 (2) of fishing you did in 2000?  
 (3) A: Yes.  
 (4) Q: Did you fill out fishing vessel trip  
 (5) reports in the year 2000 for otter trawling for  
 (6) winter flounder and some other species of fish?  
 (7) A: Yes.  
 (8) Q: Do you have copies of those fishing  
 (9) vessel trip reports for 2000?  
 (10) A: I should, yes.  
 (11) MR. WEIGEL: I call for the  
 (12) production of the fishing vessel trip  
 (13) reports for 2000 identified in this  
 (14) record.  
 (15) BY MR. WEIGEL:  
 (16) Q: Now, for 2000, it identifies winter  
 (17) flounder, tautog, bluefish, skate, scup, and porgy  
 (18) as the species of fish that you caught.  
 (19) Do you recall fishing for any other  
 (20) species of fish besides those in the year 2000?  
 (21) A: Flounder, fluke, scup and porgy, is that  
 (22) what you said?  
 (23) Q: Yes.  
 (24) A: Well, I probably caught lobsters and  
 (25) squid. That's probably about it.

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(1) **MICHAEL STEPSKI**  
 (2) Q: Okay. How about in 2001, is that the  
 (3) same — most of the rest of this is for 2001 and  
 (4) 2002, and it lists pretty much the same species  
 (5) throughout: Winter flounder, summer flounder,  
 (6) skates, scup, there's a couple of other species  
 (7) listed occasionally. There is a couple of lobster  
 (8) listings.  
 (9) A: Um-hmm.  
 (10) Q: For the years 2000, 2001, 2002, was that  
 (11) the sole species that you fished for?  
 (12) A: On my own boat, yes.  
 (13) Q: Okay. And is that the only kind of  
 (14) fishing you did in those years was otter trawling?  
 (15) A: I believe I did some fish trapping. I'm  
 (16) not sure if it was those years, though.  
 (17) Q: Okay. 2000 to 2002, is it correct that  
 (18) you did not fish for monkfish during those years?  
 (19) A: I did with other people.  
 (20) Q: But you weren't the owner of the boat?  
 (21) You weren't the master or captain, were you?  
 (22) A: No.  
 (23) Q: You were working as a deckhand for  
 (24) someone else in that period of time, is that  
 (25) correct?

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(1) **MICHAEL STEPSKI**  
 (2) A: Yes, except for this. This was my own  
 (3) boat.  
 (4) Q: Okay. How about the years 2000 to 2002,  
 (5) did you catch any tuna as master of your own boat?  
 (6) A: Oh, tuna? I believe I did.  
 (7) Q: Are you required to fill out a fishing  
 (8) vessel trip report when you land tuna?  
 (9) A: Yes.  
 (10) Q: Did you in fact fill out fishing vessel  
 (11) trip reports for tuna in the years 2000 to 2002?  
 (12) A: If I caught them, yes.  
 (13) Q: You're saying now you don't actually  
 (14) remember whether you caught tuna in those years?  
 (15) A: Yes.  
 (16) Q: Okay. Do you have more than one fishing  
 (17) license? It says Plate No., at the top of this  
 (18) document, Plate No. 04891. Is that the only fishing  
 (19) license that you have?  
 (20) A: No. No, I have more.  
 (21) Q: How many different fishing licenses do  
 (22) you have?  
 (23) A: I have another state license.  
 (24) Q: Okay.  
 (25) A: And the federal permits, of course, which

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(1) **MICHAEL STEPSKI**  
 (2) each boat carries.  
 (3) Q: All right. Now, what are the — you say  
 (4) you have two state licenses, is that correct?  
 (5) A: Yeah.  
 (6) Q: What do the state licenses permit you or  
 (7) allow you to fish for?  
 (8) A: Pretty much everything. Everything  
 (9) listed here, anyway. I think there's a few other  
 (10) things, like scallops and stuff.  
 (11) Q: Are there any species that you're not  
 (12) authorized to fish for under the Connecticut  
 (13) licenses?  
 (14) A: I don't believe so. Well, like stripe  
 (15) bass, you can't catch stripe bass. Sturgeon.  
 (16) Q: Do you need special licenses for those  
 (17) species?  
 (18) A: They're — it's closed altogether for  
 (19) those.  
 (20) Q: Are there any other types of state  
 (21) licenses you can get besides the licenses you have?  
 (22) A: Yeah. Yeah, they've got quite a few.  
 (23) Sure.  
 (24) Q: What other licenses that you don't have  
 (25) are available, could be available to you?



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**MICHAEL STEPSKI**

- [1] **MICHAEL STEPSKI**  
[2] **A:** There's a horseshoe crab license, there's  
[3] dealer licenses. Let's see. I can't remember the  
[4] other ones offhand.  
[5] **Q:** How about your federal license, is that a  
[6] species-specific license?  
[7] **A:** Yes. Yes.  
[8] **Q:** And do you recall what species you're  
[9] specifically licensed to fish for under your federal  
[10] license?  
[11] **A:** There's a list of them on the license. I  
[12] don't remember them all offhand.  
[13] **Q:** Okay. Just so it's clear, we'd like to  
[14] have production of your both Connecticut fishing  
[15] licenses and your federal license.  
[16] If you have any licenses that were in  
[17] effect for the period of time 2000 till present that  
[18] are no longer active and you have copies of those,  
[19] I'd like to have those as well.  
[20] **MR. WEIGEL:** So any license that he  
[21] had or currently has for either state or  
[22] federal permits, I'd like to have copies  
[23] of, please.  
[24] **BY MR. WEIGEL:**  
[25] **Q:** How about, in the years 2000 to 2002, did

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**MICHAEL STEPSKI**

- [1] **MICHAEL STEPSKI**  
[2] you catch any scallops?  
[3] **A:** I don't believe so.  
[4] **Q:** Okay.  
[5] **MR. WEIGEL:** I'd like to mark this  
[6] next document, it's a bundle of  
[7] documents, as Exhibit 21.  
[8] (DEFENDANTS' EXHIBIT NO. 21 marked:  
[9] Fishing Vessel Trip Reports.)  
[10] **BY MR. WEIGEL:**  
[11] **Q:** Mr. Stepski, I'm going to show you what  
[12] we've marked as Exhibit 21, and tell me if you can  
[13] identify those documents.  
[14] **A:** Yeah, trip reports for the Ava Claire.  
[15] **Q:** Okay. Did you fill these documents out?  
[16] **A:** Yes.  
[17] **Q:** Is that your signature at the bottom of  
[18] each of the pages of these documents?  
[19] **A:** Yes.  
[20] **Q:** Could you just flip through here quickly  
[21] and tell me if any of these signatures are not  
[22] yours?  
[23] And for the record, there are 15 pages,  
[24] which is part of Exhibit 21.  
[25] **A:** No, they all look like all mine.

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**MICHAEL STEPSKI**

- [1] **MICHAEL STEPSKI**  
[2] **Q:** Okay.  
[3] **MR. HEALEY:** It's some signature.  
[4] **THE WITNESS:** I should've been a  
[5] doctor.  
[6] **BY MR. WEIGEL:**  
[7] **Q:** Who's required to fill out the fishing  
[8] vessel trip report?  
[9] **A:** The operators of the boat for that trip.  
[10] **Q:** Is this for every trip that you make that  
[11] you're supposed to fill one of these out, or just  
[12] trips that you land catch?  
[13] **A:** Just trips that you land.  
[14] **Q:** Okay. And do you recall filling out a  
[15] fishing vessel trip report for every single time you  
[16] landed a catch?  
[17] **A:** Yes. Yes.  
[18] **Q:** Is there anybody who checks at the dock  
[19] to make sure that this is filled out other than — I —  
[20] mean, is there a state or federal official there  
[21] when you come in and say, "Hey, where's your fishing  
[22] vessel trip report?"  
[23] **A:** No. Sometimes, sometimes, but not all  
[24] the time.  
[25] **Q:** So largely it's a matter of — it's the

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**MICHAEL STEPSKI**

- [1] **MICHAEL STEPSKI**  
[2] honor system that you do this?  
[3] **A:** Yes.  
[4] **Q:** What happens to this form after you fill  
[5] it out? Where does it go? Do you have to send it  
[6] to somebody?  
[7] **A:** Yeah, you send it to the fishery service.  
[8] **Q:** The federal fishery — the National  
[9] Marine Fishery Service?  
[10] **A:** Yes.  
[11] **Q:** What office do you send it to?  
[12] **A:** It's right on the back here. Oh, no,  
[13] it's not.  
[14] **Q:** No, these are just copies.  
[15] **A:** I don't know what office it is.  
[16] **Q:** Okay. Do you have a pad of these that  
[17] you fill out, or a series? How do you get the blank  
[18] ones? Where do the blank ones come from?  
[19] **A:** Yeah, they send you a whole book of them.  
[20] **Q:** And do you, what, tear them out of the  
[21] book? Are they all bound in the book, and you tear  
[22] them out?  
[23] **A:** Yes.  
[24] **Q:** Okay. So we have, if you look at the  
[25] first one of these, which is Exhibit 21, it has a

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(1) **MICHAEL STEPSKI**  
(2) serial number on it, and the serial number says  
(3) 9954934, correct?  
(4) **A:** Yep.  
(5) **Q:** And then we have the next number, the  
(6) last three digits are 935, and then we skip a  
(7) number, and the next one is 937.  
(8) Do you have an explanation of where  
(9) Serial No. 936 is?  
(10) **A:** No.  
(11) **Q:** So you take this book when you come in to  
(12) land a catch, and you just use the next available  
(13) form and fill it out, correct?  
(14) **A:** Yes.  
(15) **Q:** So do you ever skip a form, leave a blank  
(16) form in the book and go somewhere forward in the  
(17) book and take one of those out?  
(18) **A:** Well, at times I've messed up writing  
(19) them and rip a page out. And I've also swapped from  
(20) boat to boat if I need an extra copy. Sometimes  
(21) I'll do them at my house, sometimes I'll do them on  
(22) the boat.  
(23) **Q:** Okay.  
(24) **A:** So they get all messed up.  
(25) **Q:** I see. Is that why if you go down, I

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(1) **MICHAEL STEPSKI**  
(2) guess to the ninth page, the numbers jump from  
(3) 9954945 to 10155917? It's a different sequence of  
(4) numbers. That came from a different book?  
(5) **A:** Yeah, that could be, sure.  
(6) **Q:** Okay. There's I think 14 trips listed in  
(7) all of the — in this bundle of trip reports. Does  
(8) that represent the total number of trips that you  
(9) fished in 2003?  
(10) **A:** I don't know. No, I'm sure that doesn't.  
(11) **Q:** So do you know where the rest of the  
(12) fishing vessel trip reports are for 2003?  
(13) **A:** No. My wife would probably know that.  
(14) **Q:** Okay. But you think you filled out more  
(15) than 14 of these, or 15 of these in 2003, correct?  
(16) **A:** Yeah, I would think so, sure.  
(17) **Q:** Okay.  
(18) **MR. WEIGEL:** I would call for the  
(19) production of the rest of the fishing  
(20) vessel trip reports for 2003.  
(21) **BY MR. WEIGEL:**  
(22) **Q:** In 2003, did you catch any fish other  
(23) than monkfish?  
(24) **A:** Yes.  
(25) **Q:** What other species of fish did you catch

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(1) **MICHAEL STEPSKI**  
(2) in 2003?  
(3) **A:** Well, this could be all for 2003.  
(4) **MR. HEALEY:** That's not the  
(5) question. Don't get us all confused  
(6) here.  
(7) **BY MR. WEIGEL:**  
(8) **Q:** We'll explore that question further in a  
(9) little bit, but I'm asking you very specifically if  
(10) you look at this set of fishing vessel trip reports,  
(11) which is Exhibit 21, they're all for monkfish,  
(12) correct?  
(13) **A:** Yes.  
(14) **Q:** Okay. I'm asking in 2003, did you catch  
(15) any other fish other than monkfish?  
(16) **A:** Yes.  
(17) **Q:** And what other kinds of fish did you  
(18) catch in 2003 besides monkfish?  
(19) **A:** I probably caught the same as on this  
(20) page; fluke, flounders, you know, all that.  
(21) **Q:** And did you fill out fishing vessel —  
(22) **MR. HEALEY:** You're referring to  
(23) Exhibit —  
(24) **MR. WEIGEL:** Referring to Exhibit  
(25) 21. I'm sorry, correction, Exhibit 20.

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(1) **MICHAEL STEPSKI**  
(2) **BY MR. WEIGEL:**  
(3) **Q:** And did you fill out fishing vessel trip  
(4) reports for all those other species besides the  
(5) monkfish?  
(6) **A:** Yeah.  
(7) **MR. WEIGEL:** Okay. We call for the  
(8) production of the fishing vessel trip  
(9) reports for the other species of fish  
(10) besides monkfish.  
(11) (Discussion held off the record.)  
(12) **BY MR. WEIGEL:**  
(13) **Q:** Now, let's take a look at the first page.  
(14) I just want to make sure I understand what all of  
(15) these different things are that you filled out.  
(16) Obviously Block No. 1 is the Ava Claire's name.  
(17) Block No. 2, is that the Ava Claire's  
(18) registration number?  
(19) **A:** Yeah, the documentation number.  
(20) **Q:** Okay. And then it says No. 3, Vessel  
(21) Permit Number. Which permit number are we talking  
(22) about here? Are we talking about your federal  
(23) permit or your state permit?  
(24) **A:** The federal.  
(25) **Q:** Okay. It's a little hard to read on some



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- (1) of these, but I think some of these under Block 8,  
(2) "Gear Fished," it says GNS. What does that mean?  
(3) **A:** Gillnet sink.  
(4) **Q:** Okay. And where it says "Quantity of  
(5) Gear," that number differs. Sometimes it's 80, and  
(6) sometimes it's 60. What does that mean?  
(7) **A:** That's the number of nets we hauled that  
(8) trip.  
(9) **Q:** Okay. And "Size," where it "Size,"  
(10) that's the size of a specific net, or the total  
(11) length of nets? What does that mean?  
(12) **A:** Each net.  
(13) **Q:** Each net? Okay. Now, where it says  
(14) "Number of Hauls," explain what that means.  
(15) **A:** Well, we tie generally 20 nets together  
(16) to make one string, and each string would be a haul.  
(17) So this first trip we hauled four of them.  
(18) **Q:** Okay. "Average tow soak time." What  
(19) does that mean?  
(20) **A:** How long those nets have been in the  
(21) water.  
(22) **Q:** Okay. Now, this lists, I think every  
(23) report says "A & A Seafood." Is that who you sold  
(24) your monkfish to?  
(25)

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**MICHAEL STEPSKI**

- (1) **A:** Yes.  
(2) **Q:** Was that all landed at New London,  
(3) Connecticut?  
(4) **A:** Yep.  
(5) **Q:** Now, these other species besides monkfish  
(6) that you mentioned, fluke and flounder, et cetera,  
(7) that you may have fished for in 2003, where did you  
(8) land those species?  
(9) **A:** In Niantic.  
(10) **Q:** And who did you sell those to?  
(11) **A:** Usually back then it was Gambardella  
(12) Seafood.  
(13) **Q:** So you sold all your monkfish to A & A  
(14) Seafood, correct?  
(15) **A:** Yes.  
(16) **Q:** And the other species went to  
(17) Gambardella?  
(18) **A:** Yes.  
(19) **Q:** And were there any other dealers that you  
(20) sold seafood to besides these two dealers —  
(21) **A:** I don't think so.  
(22) **Q:** — in 2003?  
(23) **A:** I don't think so. I think that was it.  
(24) **Q:** Now, there's a latitude and longitude or  
(25)

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**MICHAEL STEPSKI**

- (1) loran box, 14?  
(2) **A:** Mm-hmm.  
(3) **Q:** And actually, I think those are — it  
(4) says latitude and longitude, but I think actually  
(5) those are loran line numbers, is that correct?  
(6) **A:** Yes.  
(7) **Q:** Okay. I believe they're all the same for  
(8) 2003. It says 14650 is the first line, and I think  
(9) 43790 is the second line, correct?  
(10) **A:** Yep.  
(11) **Q:** Is that the only place that you fished  
(12) for monkfish in 2003?  
(13) **A:** I don't remember offhand.  
(14) **Q:** Did you catch any tuna in 2003?  
(15) **A:** I don't remember.  
(16) **Q:** If you had caught tuna in 2003, would you  
(17) have filled out a fishing vessel trip report?  
(18) **A:** Yes.  
(19) **MR. WEIGEL:** We call for the  
(20) production of any fishing vessel trip  
(21) reports for tuna catches in 2003.  
(22) **BY MR. WEIGEL:**  
(23) **Q:** If you caught tuna in 2003, that would  
(24) have been a commercial catch?  
(25)

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**MICHAEL STEPSKI**

- (1) **A:** Yes.  
(2) **Q:** Where would you have sold that tuna?  
(3) **A:** Probably to DFC International.  
(4) **Q:** Where is DFC International located?  
(5) **A:** In Gloucester.  
(6) **Q:** In Gloucester, Massachusetts?  
(7) **A:** Yes.  
(8) **Q:** Okay. In 2003, do you recall actually  
(9) making specific trips to catch tuna?  
(10) **A:** No. I don't remember.  
(11) **Q:** If you were fishing with tuna, what boat  
(12) would you have used?  
(13) **A:** The Ava Claire.  
(14) **Q:** Okay. How about scallops, did you catch  
(15) any scallops in 2003?  
(16) **A:** I don't believe so, no.  
(17) **Q:** How do you go about fishing for scallops?  
(18) **A:** You tow a dredge — well, sometimes we  
(19) get them in the nets, but generally you tow a drag  
(20) for them along the bottom.  
(21) **Q:** And as far as you recollect, you did not  
(22) do that at any time during 2003, correct?  
(23) **A:** Yeah, I don't think so, no.  
(24) **Q:** Did you ever fish — I think you may have  
(25)

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(1) **MICHAEL STEPSKI**  
(2) answered this question — I'd asked you if you'd  
(3) done it as a master or a captain of your own boat in  
(4) 2000 to 2002?  
(5) **A:** I did a few trips. I don't remember what  
(6) years they were, though.  
(7) **Q:** And what boats did you use for that?  
(8) **A:** I used this one, the Ava Claire.  
(9) **Q:** The Ava Claire?  
(10) **A:** Yeah.  
(11) **Q:** When did you acquire the Ava Claire?  
(12) **A:** I don't remember.  
(13) **Q:** What year?  
(14) **A:** What year? I think it was 2002. I don't  
(15) remember.  
(16) **Q:** Well, let's see if we can refresh your  
(17) recollection here. You had the Ava Claire, you had  
(18) a condition and value survey done for the Ava Claire  
(19) before you purchased it, right?  
(20) **A:** Yes.  
(21) **Q:** And that condition and value survey was  
(22) done by Captain Ken Johnson, correct?  
(23) **A:** Yes.  
(24) **Q:** And wasn't that condition and value  
(25) survey done in March of 2003?

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(1) **MICHAEL STEPSKI**  
(2) **A:** March, okay. Yep.  
(3) **Q:** So you didn't own the Ava Claire before  
(4) March of 2003, correct?  
(5) **A:** Right.  
(6) **Q:** So in the years 2000 through 2002, you  
(7) certainly didn't fish for scallops using the  
(8) Ava Claire, right?  
(9) **A:** Right.  
(10) **Q:** Okay. And you said you didn't recall  
(11) fishing for scallops using the Ava Claire in 2003,  
(12) correct?  
(13) **A:** Right.  
(14) **Q:** Okay. Now, you fished in 2004 as well,  
(15) correct? For monkfish, correct?  
(16) **A:** Yeah.  
(17) **Q:** Okay. Did you fill out fishing vessel  
(18) trip reports for fishing for monkfish in 2004?  
(19) **A:** Yep.  
(20) **MR. WEIGEL:** We would call for the  
(21) production of — we make a blanket call  
(22) for the production of any fishing vessel  
(23) trip report.  
(24) **MR. HEALEY:** And you get a blanket  
(25) yes so you don't have to keep saying it.

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(1) **MICHAEL STEPSKI**  
(2) **MR. WEIGEL:** Okay. I won't keep  
(3) asking for them, then.  
(4) **THE WITNESS:** Can we take a little  
(5) bathroom break?  
(6) **MR. WEIGEL:** Yeah, sure. Go ahead.  
(7) (Recess, 1:17 p.m. to 1:27 p.m.)  
(8) (DEFENDANTS' EXHIBIT NO. 22 marked:  
(9) Fish receipts.)  
(10) (DEFENDANTS' EXHIBIT NO. 23 marked:  
(11) Fish receipts.)  
(12) **BY MR. WEIGEL:**  
(13) **Q:** Mr. Stepski, I've put in front of you  
(14) documents that we've marked as Exhibits 22 and 23,  
(15) and can you please tell me, can you identify those  
(16) documents?  
(17) **A:** They're the fish receipts from after we  
(18) sell them.  
(19) **Q:** So that's what you call them, fish  
(20) receipts? Is that the way we want to refer to these  
(21) documents?  
(22) **A:** Yes. Yes.  
(23) **Q:** Let's start with Exhibit 22. Can you  
(24) tell me on Exhibit 22, go through here, and there's  
(25) actually a couple different kinds of documents here,

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(1) **MICHAEL STEPSKI**  
(2) and I want you to go down to a document which is  
(3) dated August 16th of 2003.  
(4) Let me find it so I can — they should be  
(5) in numerical or chronological order, and it's  
(6) Gambardella Wholesale Fish Boat Settlement. It's  
(7) this page right here.  
(8) **A:** Yep.  
(9) **Q:** Okay. Now, can you explain what this  
(10) document is?  
(11) **A:** It's a receipt, fish receipt, from fish  
(12) that I had sold them.  
(13) **Q:** So this is for the amount that they paid  
(14) you for those fish?  
(15) Gambardella Wholesale Fish purchased  
(16) monkfish, and they gave you a total of \$626.30 for  
(17) that catch, correct?  
(18) **A:** Yes.  
(19) **Q:** Okay. Now, if we go through, the rest of  
(20) these are fish receipts from A & A Seafoods,  
(21) correct?  
(22) **A:** Yep. Yes.  
(23) **Q:** Now, it says the address of A & A  
(24) Seafoods is Fairhaven, Massachusetts. Did you in  
(25) fact sell them to a company in Massachusetts or a



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**MICHAEL STEPSKI**  
 (1) company in Connecticut?  
 (2) A: Massachusetts.  
 (3) Q: Well, where did you land these, the  
 (4) monkfish in 2003?  
 (5) A: New London.  
 (6) Q: Does A & A have an office, even though  
 (7) they're located in Massachusetts, do they have an  
 (8) office in New London?  
 (9) A: No, they just pick them up, pick them up  
 (10) there.  
 (11) Q: Somebody just has a truck that they pick  
 (12) them up and take them to Massachusetts?  
 (13) So there's no physical presence there in  
 (14) Massachusetts, just a guy shows up at the dock?  
 (15) A: Right.  
 (16) Q: I see. Okay. When you —  
 (17) MR. UNGER: No physical presence in  
 (18) New London.  
 (19) MR. WEIGEL: New London, right.  
 (20) I'm sorry. No physical presence in  
 (21) New London.  
 (22) BY MR. WEIGEL:  
 (23) Q: Now, these were documents that we were  
 (24) provided by counsel in response to our request for  
 (25)

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**MICHAEL STEPSKI**  
 (1) production of fishing records, and the first invoice  
 (2) chronologically speaking is May 31st, 2003.  
 (3) Is that when you started monkfishing with  
 (4) Ava Claire?  
 (5) A: I think so.  
 (6) Q: So you purchased the Ava Claire at the  
 (7) end of March of 2003, and you didn't fish with her  
 (8) for two months?  
 (9) A: Right.  
 (10) Q: That was the period of time you were  
 (11) working on the boat, is that correct?  
 (12) A: Yeah.  
 (13) Q: So the first time you went out was the  
 (14) end of May 2003, correct?  
 (15) A: I think so, yeah.  
 (16) Q: And would it be correct that you then had  
 (17) 28 trips on the Ava Claire from May 31, 2003,  
 (18) through December 28, 2003?  
 (19) A: Is that how many's on here?  
 (20) Q: Well, I'm asking you if that's the number  
 (21) of trips you had.  
 (22) A: Till December 28th?  
 (23) Q: I believe that's the last one. Well,  
 (24) that's the last one we have chronologically for 2003  
 (25)

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**MICHAEL STEPSKI**  
 (1) that we've been provided.  
 (2) A: Uh-huh. Yeah, that sounds about right.  
 (3) Q: Now, there's another document I wanted to  
 (4) show you.  
 (5) MR. HEALEY: Is this still 22?  
 (6) MR. WEIGEL: Yeah, we're still on  
 (7) Exhibit 22.  
 (8) BY MR. WEIGEL:  
 (9) Q: This is the one dated 10-29-03, and it's  
 (10) a Gambardella Wholesale Fish Boat Settlement.  
 (11) Does this also indicate that you sold fish  
 (12) to Gambardella?  
 (13) A: Yes.  
 (14) Q: Okay. Now, I notice that you also have  
 (15) at the prior page before that one of 10-29 to  
 (16) Gambardella there's also a settlement for — a  
 (17) receipt for fish for A & A Seafood the same date.  
 (18) A: Um-hmm.  
 (19) Q: So can you explain why you sold some  
 (20) seafood to A & A and some to Gambardella?  
 (21) A: I don't remember at the time.  
 (22) Q: Was that usual for you to do that, to  
 (23) sometimes split your catches between two different  
 (24) dealers?  
 (25)

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**MICHAEL STEPSKI**  
 (1) A: Not usually. Usually we just send them  
 (2) all to one guy.  
 (3) Q: So a couple more pages there's an invoice  
 (4) from A & A for November 12th, 2003, and the next  
 (5) page is an invoice from Gambardella for November 12,  
 (6) 2003, for a very small amount.  
 (7) A: Uh-huh.  
 (8) Q: Now, I noticed that Gambardella, he buys  
 (9) your monkfish for a dollar forty a pound, large  
 (10) monkfish, but A & A only buys it for a dollar a  
 (11) pound. Is that what I understand the difference to  
 (12) be?  
 (13) A: I believe Gambardella, those were tails.  
 (14) Monk tails.  
 (15) Q: Oh, I see. Okay. So Gambardella is  
 (16) actually 10 cents — gives you ten cents less for  
 (17) tails than A & A Seafood at that time, right?  
 (18) A: Yep.  
 (19) Q: Okay. Now, on each one of these pages  
 (20) there's some notations. We'll start with the first  
 (21) one.  
 (22) The first page of Exhibit 22 at the  
 (23) bottom, it says Nick, 378.54; and Paul, it says,  
 (24) 324.46. What does that mean?  
 (25)

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**MICHAEL STEPSKI**

- (1) **MICHAEL STEPSKI**  
(2) **A:** That's the amount we paid those two guys  
(3) for that trip.  
(4) **Q:** They were your deckhands for that trip?  
(5) **A:** Yeah.  
(6) **Q:** Who is Nick?  
(7) **A:** That's my brother.  
(8) **Q:** And who is Paul?  
(9) **A:** Paul was another guy that was working  
(10) with me at the time.  
(11) **Q:** How long did Paul work with you?  
(12) **A:** He worked on and off. I don't remember  
(13) exactly how long.  
(14) **Q:** Well, if we go through these, we see  
(15) Paul's name shows up as late as December of 2003;  
(16) December 10th, 2003. Correct?  
(17) **A:** Yeah.  
(18) **Q:** So he worked with you off and on for the  
(19) whole year, 2003?  
(20) **A:** Yeah, I guess so.  
(21) **Q:** Then at the bottom, below that is written  
(22) one four five, and then I'm not sure I can read it.  
(23) It says ES —  
(24) **A:** — H, LLC.  
(25) **Q:** ESH, LLC. What is that?

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**MICHAEL STEPSKI**

- (1) **MICHAEL STEPSKI**  
(2) **A:** That's the dock that we unload at. He  
(3) takes a share, you know, a cut.  
(4) **Q:** How is his cut calculated?  
(5) **A:** I think he was taking five cents per  
(6) pound of fish we unloaded.  
(7) **Q:** And then it says minus two hundred fuel.  
(8) Is that the amount of fuel that you spent for that  
(9) trip?  
(10) **A:** Yeah.  
(11) **Q:** Now, the next page for the fish receipt  
(12) for June 4th, 2003, you have Nick again, 621, and  
(13) then you have, is that Gino?  
(14) **A:** Yep.  
(15) **Q:** Is that someone else who worked for you?  
(16) **A:** Yes.  
(17) **Q:** Now, sometimes it says Nick 15 percent,  
(18) and sometimes it says Nick 20 percent.  
(19) Did you change Nick's share throughout the  
(20) year?  
(21) **A:** I believe if he was alone, we gave him  
(22) 20 percent.  
(23) **Q:** Oh, I see. So if you took someone with  
(24) you, he got less of a cut?  
(25) **A:** Yeah.

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**MICHAEL STEPSKI**

- (1) **MICHAEL STEPSKI**  
(2) **Q:** There's also a Dave that shows up  
(3) occasionally. Who's — well, first of all, what's  
(4) Gino's full name?  
(5) **A:** I don't remember his last name.  
(6) **Q:** How about Dave? Who is Dave?  
(7) **A:** Dave?  
(8) **Q:** In one of these pages it says Dave.  
(9) **A:** Yeah. Dave. That was another guy. I  
(10) don't remember his last name either.  
(11) **Q:** And how did you meet Dave and Gino and  
(12) these people?  
(13) **A:** Just from around the docks, pretty much.  
(14) Gino actually helped me with a lot of the work we  
(15) did on the boat.  
(16) **Q:** And did you have any recommendations from  
(17) anybody whether or not they were competent  
(18) deckhands?  
(19) **A:** Those two guys? I don't believe so, no.  
(20) **Q:** So someone worked on the dock, and you  
(21) said — you made friends with them and you said,  
(22) "Come on, help me out on the boat, and I'll give you  
(23) a share"?  
(24) **A:** Yeah.  
(25) **Q:** Is that basically how the arrangement

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**MICHAEL STEPSKI**

- (1) **MICHAEL STEPSKI**  
(2) worked?  
(3) **A:** Yeah.  
(4) **Q:** Okay. If we go through here, can you —  
(5) let's see. Let's see if we can come up with some  
(6) last names. Paul?  
(7) **A:** Yeah, that was Paul Mazella, I believe.  
(8) **Q:** How did you pay these guys?  
(9) **A:** We'd just give them a check after the  
(10) trip usually. Sometimes we'd give them cash if they  
(11) needed money ahead of time.  
(12) **Q:** So your company, Niantic Fish, LLC, had a  
(13) checking account?  
(14) **A:** Yeah.  
(15) **Q:** And you'd write a check on the checking  
(16) account for the company?  
(17) **A:** Yeah.  
(18) **Q:** Okay. So the company would have records  
(19) of the canceled checks, records of the checks that  
(20) were given to your deckhands, correct?  
(21) **A:** I don't know if we have a copy on ours.  
(22) That's something my wife would know.  
(23) **Q:** Okay. All right.  
(24) How about when you gave people cash, would  
(25) you actually fill out a receipt?



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**MICHAEL STEPSKI**  
 (1) A: No. No.  
 (2) Q: Just — well, how were you paid by, for  
 (3) example, A & A Seafoods?  
 (4) A: They'd mail me a check.  
 (5) Q: Describe the process on the dock when you  
 (6) brought your catch in and you unload it. Who would  
 (7) actually do the unloading?  
 (8) A: We would.  
 (9) Q: Did you ever hire anyone else to do the  
 (10) unloading?  
 (11) A: No.  
 (12) Q: And is there a common scale on the dock  
 (13) in New London where anybody uses it, or did  
 (14) A & A Seafoods bring their own scales?  
 (15) A: No, everybody uses it.  
 (16) Q: Uses the common scale?  
 (17) A: Yeah.  
 (18) Q: So you unload at the common scale.  
 (19) The guy from A & A Seafoods, would he be  
 (20) standing there when you unloaded?  
 (21) A: Sometimes. Sometimes he would just pick  
 (22) it up afterward.  
 (23) Q: You would tell him how much it was, and  
 (24) this again was largely on the honor system?  
 (25)

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**MICHAEL STEPSKI**  
 (1) A: Yeah. I'm pretty sure they weighed it  
 (2) again themselves.  
 (3) Q: Oh, okay. Did you keep records as you  
 (4) were unloading?  
 (5) A: Yeah.  
 (6) Q: And then you'd get this invoice or this  
 (7) purchase order from A & A Seafoods, and did you  
 (8) compare the amount that you said you gave them and  
 (9) the amount they said on here? Were there ever any  
 (10) discrepancies?  
 (11) A: I never really checked, to tell you the  
 (12) truth. They always seemed to be right, you know,  
 (13) close.  
 (14) Q: Now, how about Scott? Who is Scott?  
 (15) A: Scott? Is there a Scott on here?  
 (16) Q: There's a Scott. Do you recall Scott's  
 (17) last name?  
 (18) A: I don't remember his last name.  
 (19) Q: This is July 20th of 2003. Apparently  
 (20) Scott —  
 (21) A: Scott. Hmm.  
 (22) Q: You don't remember Scott, huh?  
 (23) A: I don't remember Scott.  
 (24) Q: How about Bob Russ? Who is Bob Russ?  
 (25)

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**MICHAEL STEPSKI**  
 (1) A: Oh, Bob Russell. Yep.  
 (2) Q: Oh, Bob Russell. Who is Bob Russell?  
 (3) A: That's another fisherman I know who  
 (4) wanted to come try it.  
 (5) Q: How about Chris Fancy?  
 (6) A: Yeah, that was another guy that — his  
 (7) nickname is Fancy.  
 (8) Q: His nickname was Fancy?  
 (9) A: Yeah.  
 (10) Q: Do you know his last name?  
 (11) A: Reed. Chris Reed.  
 (12) Q: Chris Reed. All right, why don't we turn  
 (13) to Exhibit 23.  
 (14) So for all of these people that you took  
 (15) on these trips and you paid a share to, did someone  
 (16) from your company keep records of what was paid them,  
 (17) what you paid them, both in cash and in check?  
 (18) A: Yeah, I'm sure my wife kept track of all  
 (19) that.  
 (20) Q: So it's your wife that did all the  
 (21) finances for the company?  
 (22) A: Yes.  
 (23) Q: Did she — do you know how she went about  
 (24) recording or making reports to the IRS for the  
 (25)

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**MICHAEL STEPSKI**  
 (1) employee amounts that were paid?  
 (2) A: Yeah, she just would tell them — wait.  
 (3) I don't know exactly how she did that, no.  
 (4) Q: Okay. Did your share that you took from  
 (5) each trip, did your wife get part of that, or was  
 (6) that a joint amount between the two of you?  
 (7) A: Yeah, joint.  
 (8) Q: So you didn't pay your wife a separate  
 (9) salary —  
 (10) A: Right.  
 (11) Q: — for her work as the company treasurer?  
 (12) A: No.  
 (13) Q: Okay. All right.  
 (14) If you go to Exhibit 23, the second page  
 (15) of Exhibit 23 is a different form. It says, "Fish  
 (16) Quest, Inc."  
 (17) Can you tell me who Fish Quest, Inc. is?  
 (18) A: That's another fish buyer.  
 (19) Q: And where are they located, do you know?  
 (20) A: He ran a dock down in Point Pleasant,  
 (21) New Jersey, and he bought fish off his dock.  
 (22) Q: Now, I noticed that for these, for the  
 (23) Fish Quest invoices or receipts, you didn't always  
 (24) fill in an amount of price paid.  
 (25)

**MICHAEL STEPSKI**

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(1) **MICHAEL STEPSKI**  
 (2) Did you get some kind of settlement from  
 (3) him later on?  
 (4) A: Yes. Well, I don't know if he actually  
 (5) gave a settlement, a check. I know we got a check  
 (6) later on.  
 (7) Q: So you might not have gotten any other  
 (8) records except for that receipt?  
 (9) A: Yeah.  
 (10) Q: Just a check?  
 (11) A: Yeah, that was probably it.  
 (12) Q: Okay. Do you know if your wife kept  
 (13) copies of the checks before they were cashed so that  
 (14) you had some record of what was paid —  
 (15) A: I don't know.  
 (16) Q: — for those, for the Fish Quest records?  
 (17) A: Yeah, I don't know if she did or not.  
 (18) Well, I'm sure she kept track of that.  
 (19) Q: Now, these are the records for 2004,  
 (20) correct?  
 (21) A: Yes.  
 (22) Q: And it stops on May 17th, 2004. That was  
 (23) your last trip before the collision? Last full trip  
 (24) before the collision?  
 (25) A: I think so.

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(1) **MICHAEL STEPSKI**  
 (2) Q: Okay. Now, you got a new boat sometime  
 (3) in 2004, correct?  
 (4) A: Yes.  
 (5) Q: I think you said six months after the  
 (6) collision? I think that was your prior testimony?  
 (7) A: It was in October.  
 (8) Q: It was in October. Did you fish for  
 (9) monkfish in October in 2004?  
 (10) A: No.  
 (11) Q: What did you fish for in 2004? Did you  
 (12) fish at all in October of 2004?  
 (13) A: Tuna.  
 (14) Q: And do you have records of your tuna  
 (15) catch in 2004?  
 (16) A: We probably do. I'd have to check with  
 (17) my wife.  
 (18) Q: Before the collision in 2004, did you  
 (19) fish for tuna?  
 (20) A: No.  
 (21) Q: So the tuna fishing didn't stop until  
 (22) after, with the new boat?  
 (23) A: Right.  
 (24) Q: Okay. Did you fish for scallops in 2004  
 (25) before the collision?

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(1) **MICHAEL STEPSKI**  
 (2) A: I don't think so.  
 (3) Q: How about, did you fish for scallops with  
 (4) the new boat in 2004?  
 (5) A: No. No.  
 (6) Q: Okay. Did you do any monkfishing with  
 (7) the new boat in 2004?  
 (8) A: Yes.  
 (9) Q: How many trips did you make in 2004 —  
 (10) when did you start monkfishing in 2004 with the new  
 (11) boat?  
 (12) A: It would probably be the end of November  
 (13) till into December.  
 (14) Q: How many trips do you recall making  
 (15) between that time, the end of November to the end of  
 (16) December? So about a month? You went monkfishing  
 (17) for about a month at the end of the year?  
 (18) A: Yeah, I think we fished right until the  
 (19) end of the year.  
 (20) Q: Okay. How many trips do you think you  
 (21) made during that period of time?  
 (22) A: I don't remember.  
 (23) Q: Do you have invoices for — who did you  
 (24) sell the monkfish to?  
 (25) A: I really don't remember. Probably Fish

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(1) **MICHAEL STEPSKI**  
 (2) Quest.  
 (3) Q: You didn't sell anything to A & A  
 (4) Seafoods?  
 (5) A: Yeah, we might have. We might have. I  
 (6) just don't remember exactly.  
 (7) Q: Okay. Well, you would have the fishing  
 (8) records, the receipts such as these for the rest of  
 (9) 2004?  
 (10) A: Yeah, yeah, I would think so.  
 (11) Q: Okay.  
 (12) MR. WEIGEL: Well, we would call for  
 (13) the production of —  
 (14) MR. HEALEY: Al, you don't have to  
 (15) do that.  
 (16) MR. WEIGEL: Well, actually, this is  
 (17) little different, because this is —  
 (18) MRS. STEPSKI: This is different.  
 (19) This is the Madelyn — he's asking for  
 (20) records on the new boat. You told me he  
 (21) just wanted —  
 (22) MR. HEALEY: You said what you asked  
 (23) for. It's understood.  
 (24) MR. WEIGEL: Okay.  
 (25) MR. HEALEY: And I also think I told



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(1) **MICHAEL STEPSKI**  
(2) you at some point we're going to have to  
(3) figure out the logistics, because —  
(4) **MR. WEIGEL:** Right.  
(5) **MR. HEALEY:** And I don't know how  
(6) you're going to do that, but that's why  
(7) we can't be sitting here with these  
(8) things.  
(9) **MRS. STEPSKI:** So you want records  
(10) on the new boat?  
(11) **MR. WEIGEL:** Right. Let's go off  
(12) the record.  
(13) (Discussion held off the record.)  
(14) **BY MR. WEIGEL:**  
(15) **Q:** Who in your family or company prepares  
(16) the income tax forms?  
(17) **A:** We have an accountant do that, but  
(18) Kirsten prepares them for him.  
(19) **Q:** Do you have any involvement besides  
(20) signing the form when it's prepared?  
(21) **A:** No.  
(22) **Q:** If I were to show you the income tax  
(23) returns, would you be able to discuss any of the  
(24) numbers that were in those returns?  
(25) **A:** Probably not, no.

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(1) **MICHAEL STEPSKI**  
(2) **Q:** Okay. All right, well, we'll save those  
(3) questions for Kirsten.  
(4) **MR. WEIGEL:** I will mark a couple  
(5) things for the record now, and we'll  
(6) probably just question —  
(7) (DEFENDANTS' EXHIBIT NO. 24 marked:  
(8) 2003 tax return.)  
(9) (DEFENDANTS' EXHIBIT NO. 25 marked:  
(10) 2004 tax return.)  
(11) (DEFENDANTS' EXHIBIT NO. 26 marked:  
(12) 2005 tax return.)  
(13) **BY MR. WEIGEL:**  
(14) **Q:** Mr. Stepski, I'd like you to look at  
(15) Exhibit 24. Can you identify that exhibit?  
(16) **A:** It's a 1040 form.  
(17) **Q:** For what tax year?  
(18) **A:** 2003.  
(19) **Q:** For — who is it prepared for? Is it  
(20) your and Kirsten's individual income tax return for  
(21) 2003?  
(22) **A:** Yeah.  
(23) **Q:** Okay. Would you look at Exhibit 25?  
(24) **A:** Yep.  
(25) **Q:** Do you recognize that exhibit?

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(1) **MICHAEL STEPSKI**  
(2) **A:** Yeah. Same thing for 2004.  
(3) **Q:** So it's your and Kirsten's individual  
(4) income tax return for 2004, correct?  
(5) **A:** Yeah.  
(6) **Q:** And if you look at Exhibit 26, do you  
(7) recognize that document? Did I give you copies?  
(8) **A:** Yes.  
(9) **Q:** So Exhibit 26, do you recognize that as  
(10) the individual income tax return for 2005 for  
(11) yourself and Kirsten?  
(12) **A:** Yes.  
(13) **MR. WEIGEL:** Mark this next exhibit  
(14) as 27.  
(15) (DEFENDANTS' EXHIBIT NO. 27 marked:  
(16) Projected Lost Income statement.)  
(17) **BY MR. WEIGEL:**  
(18) **Q:** Mr. Stepski, I've put in front of you a  
(19) document which we've marked as Exhibit 27. Have you  
(20) ever seen that document before?  
(21) **A:** Yes.  
(22) **Q:** Do you know who prepared this document?  
(23) **A:** I think it was my wife.  
(24) **Q:** Okay. Do you know when it was prepared?  
(25) **A:** No. No. I think it was —

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(1) **MICHAEL STEPSKI**  
(2) **MR. HEALEY:** Do you know?  
(3) **A:** Yeah, I think it was after the accident.  
(4) **BY MR. WEIGEL:**  
(5) **Q:** Do you know how long after the accident  
(6) it was prepared?  
(7) **A:** No.  
(8) **Q:** Okay. The statement refers in the  
(9) footnote at the bottom to a letter dated  
(10) December 1st, 2004. Do you see that?  
(11) **A:** What is that?  
(12) **Q:** At the bottom there's a handwritten  
(13) footnote.  
(14) **A:** Yep. Yep.  
(15) **Q:** It says, "This is a more accurate  
(16) addendum to the letter dated December 1, 2004, and  
(17) business plan dated February 11, 2003."  
(18) What letter is that referring to? The  
(19) December 1, 2004, letter, can you identify that  
(20) letter?  
(21) **A:** No.  
(22) **Q:** You don't know what letter that refers  
(23) to?  
(24) **A:** No.  
(25) **Q:** It also refers to a business plan dated

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(1) **MICHAEL STEPSKI**

(2) February 11th, 2003. Do you see that?

(3) **A:** Yeah.

(4) **MR. HEALEY:** February 16, I think  
(5) that is.

(6) **MR. WEIGEL:** Oh, it's a 16? Okay.

(7) Well, I stand corrected if it's

(8) February 16, 2003.

(9) **BY MR. WEIGEL:**

(10) **Q:** What business plan is that referring to?

(11) **A:** I don't know.

(12) **MR. WEIGEL:** I'm going to mark the  
(13) next Exhibit as 28.

(14) (DEFENDANTS' EXHIBIT NO. 28 marked:  
(15) Business plan.)

(16) **BY MR. WEIGEL:**

(17) **Q:** I'm going to show you a document which  
(18) we've marked as Exhibit 28. Can you identify this  
(19) document?

(20) **A:** Yeah, this was the business plan when we  
(21) went for the loan for the boat.

(22) **Q:** And when did you go for the loan for the  
(23) boat?

(24) **A:** When?

(25) **Q:** When, yes.

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(1) **MICHAEL STEPSKI**

(2) **A:** I don't remember.

(3) **Q:** Well, is this the business plan referred  
(4) to in the projected lost income statement, Exhibit  
(5) 27?

(6) **A:** I don't know.

(7) **Q:** Do you know who prepared this business  
(8) plan?

(9) **A:** I believe that was me and my wife.

(10) **Q:** You prepared it together?

(11) **A:** Yeah.

(12) **Q:** Okay. Is this the entire plan, this one  
(13) page, or is there more to it than just this?

(14) **A:** I don't know. It looks like it's  
(15) probably about it.

(16) **Q:** Okay. This business plan estimated a net  
(17) profit. I assume that's a yearly net profit?  
(18) Bottom, estimated profit, the last — the bottom  
(19) line?

(20) **A:** Yeah.

(21) **Q:** Have you ever had a net profit of  
(22) \$265,722.30 in any year since you prepared this  
(23) business plan?

(24) **A:** No.

(25) **Q:** Now, if we go back up at the top there's

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(1) **MICHAEL STEPSKI**

(2) several categories under "Expected Income." The  
(3) first one is monkfishing.

(4) It says here that the average price per  
(5) pound of monkfish was a dollar thirty-five per pound?

(6) **A:** Um-hmm.

(7) **Q:** Were you ever paid a dollar thirty-five  
(8) per pound for monkfish?

(9) **A:** I don't know. I don't know. It looked  
(10) like most of the prices were a dollar fifty, wasn't  
(11) it?

(12) **Q:** Well, then, maybe I need to understand  
(13) what this refers to. It says monkfish, a dollar  
(14) thirty-five per pound.

(15) Is that an average of all the different  
(16) kinds of monkfish? I mean, we have tails, we have  
(17) big, large and small, et cetera?

(18) **A:** Oh, they could be. Sure.

(19) **Q:** Okay. So do you know for sure how that  
(20) number of one thirty-five per pound average was  
(21) calculated?

(22) **A:** Not exactly, but probably like you just  
(23) said. And the price does drop from time to time.

(24) **Q:** Now, it says, "60 days at sea." What  
(25) years was this business plan based on? I mean, did

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(1) **MICHAEL STEPSKI**

(2) you use some average of — how did you determine 60  
(3) days at sea per year?

(4) **A:** I think that's about how many we figured  
(5) we — trips we figured we'd end up doing.

(6) **Q:** Have you ever made 60 trips per year?

(7) **A:** No.

(8) **Q:** Okay. Now, it says in the next line,  
(9) "Additionally, in fall season, monk livers 200  
(10) pounds at \$4 per pound."

(11) In the records we just looked at,  
(12) Exhibits 22 and 23, were you ever paid \$4 a pound for  
(13) monk livers?

(14) **A:** I don't know what it was. I'd have to  
(15) look. Three dollars there. The prices were down.  
(16) Two dollars I see. Livers, they change quite a bit.

(17) **Q:** Towards the end of 2003, like in  
(18) November, the price dropped down to about a dollar a  
(19) pound?

(20) **A:** I see December 10th they were at \$5 a  
(21) pound, so they change quite a bit.

(22) **MR. WEIGEL:** Okay.

(23) **MR. HEALEY:** Just — go off the  
(24) record.

(25) (Discussion held off the record.)



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**MICHAEL STEPSKI****BY MR. WEIGEL:**

[1] Q: Let's still look at the business plan  
[2] here and go down. It says bluefin tuna, September  
[3] through October, \$10,000 average.

[4] Have you ever made \$10,000 in two months  
[5] fishing for bluefin tuna?

[6] A: Yeah.

[7] Q: And you have records showing that catch?

[8] A: Yeah, I'm sure we do.

[9] Q: Okay. Let's go back to Exhibit 27. What  
[10] period of time are you claiming for a loss of  
[11] income?

[12] A: I'm not sure exactly.

[13] MR. HEALEY: I think that's a legal  
[14] conclusion. I will give you that, but  
[15] we're still gathering the information.

**BY MR. WEIGEL:**

[16] Q: Well, are you alleging that you had any  
[17] loss of income related to the collision after you  
[18] started fishing with your new boat?

[19] A: Yeah, I'd say I definitely have.

[20] Q: And what's the basis for you saying that  
[21] you had loss of income after you started fishing  
[22] with your new boat?

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**MICHAEL STEPSKI**

[1] A: Because I don't fish the same. I don't  
[2] have the drive to stay out there and look for fish  
[3] and catch fish, do what's necessary to make it a  
[4] good trip.

[5] You know, I just want to get out of there  
[6] now. I just want to get the gear out and then leave,  
[7] you know? I lost a lot of what it takes to make it  
[8] fishing.

[9] Q: Well, if you look at Exhibit 27, your  
[10] projected lost income is apparently based on, for  
[11] monkfishing, anyway, is based on 33 trips that you  
[12] didn't make.

[13] What period of time did you not make those  
[14] 33 trips?

[15] A: I don't understand the question.

[16] Q: Okay. On Exhibit 27, which is entitled  
[17] "Projected Lost Income," the first category is  
[18] monkfishing, and it says that you're taking an  
[19] average gross income per trip and multiplying it by  
[20] 33 trips left for a total of \$194,337?

[21] A: Um-hmm.

[22] Q: So what period of time are you claiming  
[23] that you could have made those 33 trips and you  
[24] didn't make them as a result of the collision?

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**MICHAEL STEPSKI**

[1] A: That's something I'd like have to really  
[2] look back over on this paperwork. We missed a lot  
[3] of the fall season. I didn't get started till late  
[4] when I bought that new boat. So that's probably a  
[5] lot of that.

[6] And then the rest of the spring, of  
[7] course, I missed after we got run over.

[8] Q: So you're climbing that these 33 trips  
[9] would have been made from the time of the collision  
[10] until the time you started fishing with your new  
[11] boat, is that correct?

[12] A: Yeah, probably. Sure.

[13] Q: Okay. You fished for monkfish during  
[14] that period of time the prior year, right?

[15] A: Yep.

[16] Q: From the end of May all the way to the  
[17] end of the year, did you make 33 trips during that  
[18] period of time?

[19] A: I think we figured on 28, isn't that  
[20] right?

[21] Q: Well, I mean, we're talking about from  
[22] the end of May to the beginning of November, because  
[23] you started fishing again in the beginning of  
[24] November, is what you said.

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**MICHAEL STEPSKI**

[1] A: Oh, right.

[2] Q: So from the end of May to the beginning  
[3] of November, do you know how many trips that was, in  
[4] 2003?

[5] A: No, I don't, off the top of my head.

[6] Q: If I said 23 trips, would you agree that  
[7] was about the number?

[8] A: That's probably about right, sure.

[9] Q: Okay. Why did you think you were going  
[10] to make more trips in 2004 than you made in 2003?

[11] A: I don't know. Maybe we had issues on the  
[12] boat.

[13] Q: Well, what circumstances were different  
[14] in 2004 from 2003 that indicated that you could have  
[15] made more trips in 2004 than you did in 2003?

[16] A: I can't think of them off the top of my  
[17] head.

[18] Q: Okay. The next category of projected  
[19] lost income was bluefin tuna.

[20] Now, this says average fish 700 to 1000  
[21] pounds, correct?

[22] A: Yep.

[23] Q: Now, I think you previously testified  
[24] that the fish that you caught were in the range of

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(1) **MICHAEL STEPSKI**  
(2) 300 to 700 pounds?  
(3) A: Uh-huh.  
(4) Q: Have you ever caught a fish greater than  
(5) 700 pounds?  
(6) A: Yes. Yeah.  
(7) Q: Have you ever caught a 1000-pound tuna?  
(8) A: Yes.  
(9) Q: How many 1000-pound tuna have you caught?  
(10) A: One.  
(11) Q: How many tuna bigger than 700 pounds have  
(12) you caught?  
(13) A: Maybe a half a dozen, maybe more. I  
(14) don't know.  
(15) Q: Again, you have records to show the  
(16) weights of the tuna that you've caught —  
(17) A: Yes.  
(18) Q: — in previous years?  
(19) A: Well, I've also caught with other people.  
(20) You know, I wouldn't have records for those, of  
(21) course.  
(22) Q: Isn't it very unusual to catch a tuna  
(23) greater than 700 pounds?  
(24) A: Not really, no, because that's what we're  
(25) fishing for is giant tuna. That's what they're

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(1) **MICHAEL STEPSKI**  
(2) labeled.  
(3) Q: Isn't anything greater than 300 pounds  
(4) labeled a giant tuna?  
(5) A: Yes.  
(6) Q: If I told you that the number of tuna  
(7) landed greater than 700 pounds is less than  
(8) 10 percent of the total catch, would that be about  
(9) right?  
(10) A: I don't know. It could be. It could be,  
(11) sure.  
(12) Q: So on average, only 10 percent of the  
(13) tuna that you caught could have been over 700  
(14) pounds, is that right?  
(15) MR. HEALEY: I'll object to that.  
(16) That question doesn't follow from your  
(17) postulation beforehand.  
(18) **BY MR. WEIGEL:**  
(19) Q: Well, I guess, then, I'm asking you, are  
(20) you claiming that you're such a better fisherman  
(21) than anybody else that you catch more 700-pound tuna  
(22) than anybody else?  
(23) A: No, but we do see them, and it's not  
(24) unusual.  
(25) Q: Okay. Now, next category is scalloping.

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(1) **MICHAEL STEPSKI**  
(2) How did you come up with 400 pounds per day of  
(3) scallops?  
(4) A: That's the limit.  
(5) Q: That's assuming you'd be able to catch  
(6) the limit?  
(7) A: Right.  
(8) Q: Have you ever caught the limit in the  
(9) past?  
(10) A: Not that I'm aware of, no. I wasn't  
(11) really set up for that.  
(12) Q: How did you get a price of \$10 per pound?  
(13) A: That's what the average price was at the  
(14) time.  
(15) Q: Really? When was that?  
(16) A: It was, well, the past couple of years  
(17) it's been about 10 a pound. I think it is right  
(18) now, actually.  
(19) Q: Isn't it correct that the scallops, the  
(20) highest selling price for scallops in 2006 was \$7  
(21) per pound?  
(22) A: In 2006?  
(23) Q: 2006. Take all of 2006, the highest  
(24) priced scallops ever sold for in 2006 was \$7 per  
(25) pound?

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(1) **MICHAEL STEPSKI**  
(2) A: Jeez, I doubt that. But I don't know. I  
(3) didn't follow it very closely this year.  
(4) Q: And isn't it true that \$7 per pound is  
(5) the highest wholesale price ever paid for scallops?  
(6) A: No, no, no. It's been 10 the past couple  
(7) of years, pretty steady all these —  
(8) Q: So you dispute what the fishing industry  
(9) publications say about the price of scallops?  
(10) MR. HEALEY: I object to the form.  
(11) A: No, I said —  
(12) MR. HEALEY: He didn't dispute —  
(13) wait a minute. He didn't dispute  
(14) anything. He just answered the question.  
(15) He disagreed.  
(16) **BY MR. WEIGEL:**  
(17) Q: So if the fishing industry's publications  
(18) say that \$7 per pound, wholesale pound of scallops,  
(19) is the highest price ever paid, you would disagree  
(20) with that?  
(21) A: Oh, absolutely.  
(22) MR. HEALEY: Well — yeah, okay.  
(23) What — you should give us some idea of  
(24) what are the publications so we have some  
(25) context here.



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**MICHAEL STEPSKI**  
BY MR. WEIGEL:  
Q: Isn't it true that 3 to \$5 per pound for scallops would be a more accurate reflection of the price during this period of time, 2004?  
A: Oh, for the big boats, sure. But day scallops, inshore scallopers, day product has always fetched quite a bit more money. It's a better quality. More fresher.  
Q: And you're claiming a loss of income for 35 scalloping trips for that season, correct?  
A: That's what it says.  
MR. HEALEY: Are you referring to Exhibit 27?  
MR. WEIGEL: I'm referring to Exhibit 27, yeah. It says 5 trips per week —  
MR. HEALEY: It says "Projected Lost Income" on the top. Is that what you're talking about?  
MR. WEIGEL: Right. Yeah.  
MR. HEALEY: Okay.  
BY MR. WEIGEL:  
Q: Five trips per week times seven weeks. You're claiming you didn't make, because

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**MICHAEL STEPSKI**  
of the collision, you didn't make 35 scalloping trips, correct?  
A: Yes.  
Q: Have you ever made 35 scalloping trips on any boats that you've owned?  
A: No.  
Q: Okay. So tuna, back up a little bit to the tuna category, fishing for tuna is fairly lucrative, isn't it?  
A: Yeah. At times it can be, sure.  
Q: So why only stop at four fish per season? Is there a limit?  
A: I don't know why we stopped there, but —  
MR. HEALEY: You don't know why. We'll increase it at some other point.  
BY MR. WEIGEL:  
Q: All right. The bottom line on the projected lost income statement, Exhibit 27, is that you had a total lost income in the range of \$362,337 through 4374,337, correct?  
A: Yep.  
Q: And that's for a period of time from May 22nd of 2004 till beginning of November 2004, correct? Basically the six months that you didn't

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**MICHAEL STEPSKI**  
have a boat, correct?  
A: That whole income —  
Q: Right.  
A: — you're saying is just from that period?  
Q: I'm trying to understand what that period of time is for. I mean, if you go back to the individual number — let me just stop you a moment and go back so you understand what I'm asking. Go back to the individual numbers.  
Monkfishing you said you had 33 trips?  
A: Yep. Yep.  
Q: Bluefin tuna you said you'd catch four fish, and you'd go scalloping 35 times?  
A: Uh-huh. Yep.  
Q: And based on those three sets of events, you would have earned somewhere in the neighborhood of \$370,000?  
A: Yeah. Yep.  
Q: When in your life have you ever earned \$375,000 for those kinds of events?  
A: I haven't in the past, no.  
Q: Okay.  
A: But I would have that year.

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**MICHAEL STEPSKI**  
Q: You would have hoped you would've in that year?  
A: Right.  
Q: Okay. Now, this is just total income lost; this doesn't account for any expenses, correct?  
A: No, no.  
Q: This doesn't account for crew share, does it?  
A: No. No, I guess not.  
Q: And crew share is about 25 percent of your catch, correct?  
The value of your catch, you have to deduct about 25 percent, because you give —  
A: Roughly, yeah.  
Q: That's your crew share, right? Correct?  
A: I don't know the range is, but yeah.  
Q: And about 10 percent for fuel and expenses?  
A: Ten percent, that might be it, yeah.  
That would be about right, sure.  
Q: And then about 5 percent for dockage?  
A: Yep. Yep.  
Q: So this number, if we're talking about

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(1) **MICHAEL STEPSKI**  
(2) loss of revenue rather than income — loss of  
(3) profits, rather, that's only 60 percent of this  
(4) figure, correct?  
(5) **A:** Yeah, I believe so, because it looks like  
(6) we didn't take all those expenses out.  
(7) **Q:** Okay.  
(8) **MR. WEIGEL:** I think for the  
(9) moment — or actually, I do want to do  
(10) one thing. I'd like to mark one more.  
(11) This is 29.  
(12) (Discussion held off the record.)  
(13) (DEFENDANTS' EXHIBIT NO. 29 marked:  
(14) Value of Gear and Boat Loss statement.)  
(15) **BY MR. WEIGEL:**  
(16) **Q:** I'm going to show you a document that's  
(17) been marked as Exhibit 29. Do you recognize that  
(18) document?  
(19) **A:** I do, actually.  
(20) **Q:** Who prepared this document?  
(21) **A:** I think that was me and my wife.  
(22) **Q:** Okay. The value of the boat and gear  
(23) lost, you list a total of \$72,988.62, correct?  
(24) **A:** Yep.  
(25) **Q:** How much were you paid as an insurance

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(1) **MICHAEL STEPSKI**  
(2) settlement for this loss?  
(3) **A:** I think it was thirty thousand, or  
(4) twenty-five.  
(5) **Q:** Do you have any documents to show how  
(6) much you were paid for the loss?  
(7) **A:** I would think so.  
(8) **MR. HEALEY:** I have one someplace,  
(9) and I'll get it to you. I think it's  
(10) thirty thousand.  
(11) **MR. WEIGEL:** Okay.  
(12) **BY MR. WEIGEL:**  
(13) **Q:** This shows cost of lost registration and  
(14) lost permits. Why is that shown as a loss here?  
(15) **A:** That's probably what we paid for the  
(16) registrations. I'm not sure.  
(17) **Q:** Well, let's just look at the permits.  
(18) And by the way, some of these items have asterisks  
(19) on them, and it says "Receipts, copy of check can be  
(20) provided."  
(21) Does that mean if there's no asterisk,  
(22) then you have no proof of that loss, is that correct?  
(23) No documentary proof of the loss, correct?  
(24) **A:** Yeah, I would think so.  
(25) **Q:** Okay. So why is the permits listed as a

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(1) **MICHAEL STEPSKI**  
(2) loss?  
(3) **A:** I don't know why that's —  
(4) **Q:** Did you have to pay \$1,285 to get a new  
(5) copy of the permit?  
(6) **A:** No.  
(7) **Q:** What did you have to pay to have the  
(8) permit from the Ava Claire transferred to your new  
(9) boat?  
(10) **A:** Oh, maybe that's what that is, what it  
(11) cost to have it put on there.  
(12) **Q:** So the state charged you, the state and  
(13) federal government charged you \$1,285 to transfer a  
(14) permit from a boat that was sunk to a new boat?  
(15) **A:** No, that would be probably like lawyer's  
(16) fees and stuff like that.  
(17) **Q:** Well, do you have an understanding of  
(18) exactly what that figure entails?  
(19) **A:** No. My wife might have a better  
(20) recollection of that.  
(21) **Q:** How about nets lost, \$3,500? Was that  
(22) the purchase price of the nets, or was that the  
(23) value of the nets when they were lost?  
(24) **A:** Probably the value.  
(25) **Q:** Okay. How much — did you purchase the

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(1) **MICHAEL STEPSKI**  
(2) nets new?  
(3) **A:** Yeah.  
(4) **Q:** And they were — the same nets that were  
(5) lost at the time of the collision were the same nets  
(6) you'd been using for the past year?  
(7) **A:** Um-hmm.  
(8) **Q:** And how much did you pay for them new?  
(9) **A:** I don't remember exactly what they were.  
(10) **Q:** Do you have any documents that show how  
(11) much you paid for them new?  
(12) **A:** Yeah, I'm sure we do.  
(13) **Q:** Okay. The same thing for the four tuna  
(14) rods that were lost, \$4,000; is that the purchase  
(15) price, or is that the value at the time of the loss?  
(16) **A:** That's the value of them. They go for  
(17) quite a bit more than that.  
(18) **Q:** And you have — it says there's an  
(19) asterisk there that would indicate that you have  
(20) records of how much you purchased them for?  
(21) **A:** Yeah, we probably do.  
(22) **Q:** Now, the next category here is expenses  
(23) incurred in purchase of new vessel.  
(24) What were the expenses related to fishing  
(25) vessel Who's The Boss?



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(1) **MICHAEL STEPSKI**  
 (2) **A:** I was looking at the boat, and I was  
 (3) going to buy it. I had a survey done, and then I  
 (4) decided not to buy it.  
 (5) **Q:** How about the F.V. Gannet?  
 (6) **A:** That's the one I ended up buying, and I  
 (7) had to haul it out and get the survey done, and then  
 (8) of course travel up there a bunch of times.  
 (9) **Q:** And do you have — are receipts available  
 (10) for this survey and the travel expenses?  
 (11) **A:** I would think we do. I don't know, the  
 (12) travel expenses I'm not sure, but —  
 (13) **Q:** Now, what is the new loan category? What  
 (14) is that for?  
 (15) **A:** Oh, I had to borrow more money to buy the  
 (16) boat, more gear and everything.  
 (17) **Q:** Well, how much did you have outstanding  
 (18) on the — what was your original loan for for the  
 (19) Ava Claire?  
 (20) **A:** I think it was 110,000.  
 (21) **Q:** And how much did you have outstanding at  
 (22) the time of the collision?  
 (23) **A:** I don't know. Most of that, I think.  
 (24) **Q:** Do you have loan documents for the  
 (25) Ava Claire?

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(1) **MICHAEL STEPSKI**  
 (2) **A:** Yeah.  
 (3) **Q:** And what bank was that loan with?  
 (4) **A:** It was — it wasn't a bank, it was  
 (5) Southeastern Connecticut Enterprise Region. SECTER,  
 (6) they call it.  
 (7) **Q:** So it was a government loan? A local  
 (8) government loan?  
 (9) **A:** Yeah, I think that's —  
 (10) **Q:** State of Connecticut government, I think,  
 (11) loan, right?  
 (12) **A:** Yeah. I think that's how they phrase it,  
 (13) yeah.  
 (14) **Q:** Okay. And who is the new loan with, the  
 (15) \$50,000?  
 (16) **A:** The same. The same place.  
 (17) **MR. WEIGEL:** Mr. Healey, we're going  
 (18) to call for the production of any  
 (19) receipts that exist for the supports for  
 (20) any of these values lost or expenses  
 (21) incurred in the purchase of the new  
 (22) vessel.  
 (23) **MR. HEALEY:** All right. Just to be  
 (24) clear, this is, as you know, not the  
 (25) claim as made by the lawyers.

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(1) **MICHAEL STEPSKI**  
 (2) **MR. WEIGEL:** Well, I don't know what  
 (3) the —  
 (4) **MR. HEALEY:** I understand what  
 (5) you're saying.  
 (6) **MR. WEIGEL:** I don't know what the  
 (7) claim made by the lawyers is.  
 (8) **MR. HEALEY:** No, no. It's a legal  
 (9) matter as to what are replacement values  
 (10) and the like. No, no, I'm not saying no.  
 (11) Of course I'll get you everything.  
 (12) **MR. WEIGEL:** Okay.  
 (13) **MR. HEALEY:** But I just don't want a  
 (14) misunderstanding here that this piece of  
 (15) paper that hasn't been really explained  
 (16) who did it and why constitutes the legal  
 (17) claim as it's going to be put forward.  
 (18) And we'll put that forward, Alan, as  
 (19) I understand it, when we get down to  
 (20) putting together the pretrial order, and  
 (21) all of this will then be put into proper  
 (22) order. You are entitled to all you've  
 (23) asked, and I will give it to you. I'm  
 (24) not backing off.  
 (25) **MR. WEIGEL:** Okay.

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(1) **MICHAEL STEPSKI**  
 (2) **MR. HEALEY:** I'm just saying do not  
 (3) think that this is a claim that I as the  
 (4) attorney has put forward.  
 (5) **MR. WEIGEL:** I certainly didn't  
 (6) categorize it that way.  
 (7) **MR. HEALEY:** No, no, you didn't.  
 (8) No, you didn't.  
 (9) **MR. WEIGEL:** I'm just asking what  
 (10) the value — I'm trying to determine what  
 (11) the value of the boat and gear was at the  
 (12) time it was lost.  
 (13) **MR. HEALEY:** I understand that, and  
 (14) I'm going to cooperate with you.  
 (15) **MR. WEIGEL:** And obviously one of  
 (16) the ways, the simplest way to do that is  
 (17) to find out what the purchase price was  
 (18) and apply a depreciation.  
 (19) **MR. HEALEY:** That's a factor.  
 (20) **MR. WEIGEL:** Right.  
 (21) **MR. HEALEY:** That is not my  
 (22) understanding how to evaluate.  
 (23) **MR. WEIGEL:** I said that's one way  
 (24) to do it —  
 (25) **MR. HEALEY:** Yes, yes.

**MICHAEL STEPSKI**  
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[1] **MICHAEL STEPSKI**  
[2] **MR. WEIGEL:** — is to find out what  
[3] the —  
[4] **MR. HEALEY:** We have no quarrel, do  
[5] we?  
[6] **MR. WEIGEL:** Fine.  
[7] **MR. HEALEY:** I said I will get you  
[8] this information.  
[9] **MR. WEIGEL:** Okay. Okay. And now,  
[10] I think I will defer to Michael.  
[11] **MR. HEALEY:** All right. I think  
[12] that deserves a standing O that he's  
[13] doing this now. Do you want to take a  
[14] minute, Mike?  
[15] **THE WITNESS:** Yeah.  
[16] **MR. WEIGEL:** Now, the only thing I  
[17] will say, we will reserve the right to  
[18] recall Mr. Stepski if necessary when we  
[19] get the rest of the fishing records if  
[20] they require some kind of authentication  
[21] or explanation.  
[22] **MR. HEALEY:** If that is correct,  
[23] you're legally entitled to it. We'll  
[24] both take a look at it.  
[25] **MR. WEIGEL:** Yes.

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[1] **MICHAEL STEPSKI**  
[2] **MR. HEALEY:** You're not entitled to  
[3] just take a second bite.  
[4] **MR. WEIGEL:** No. No. Like I  
[5] said, I —  
[6] **MR. HEALEY:** I don't have a problem  
[7] with that. What your legal rights are I  
[8] can recognize, and I will give them to  
[9] you.  
[10] **MR. WEIGEL:** If I recall him, it  
[11] will be to discuss any new documents that  
[12] we're —  
[13] **MR. HEALEY:** Yeah, but after you  
[14] speak to Kirsten, you will probably find  
[15] most of these things are answered, Alan.  
[16] **MR. WEIGEL:** You might be right.  
[17] **MR. HEALEY:** All right. You can  
[18] take a quick break.  
[19] (Recess, 2:20 p.m. to 2:40 p.m.)  
[20] **BY MR. WEIGEL:**  
[21] **Q:** Mr. Stepski, I understand at some point  
[22] after you were rescued by the Coast Guard you and  
[23] the rest of your crew were tested for drugs and  
[24] alcohol, correct?  
[25] **A:** Yes.

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[1] **MICHAEL STEPSKI**  
[2] **Q:** Where did that happen?  
[3] **A:** At the hospital in New Bedford.  
[4] **Q:** And how did you get to the hospital in  
[5] New Bedford?  
[6] **A:** Kirsten drove us.  
[7] **Q:** And did you make arrangements beforehand  
[8] to go there to be tested?  
[9] **A:** The Coast Guard did.  
[10] **Q:** The Coast Guard? So the Coast Guard said  
[11] go to the Hospital of New Bedford and they'll take  
[12] care of it for you?  
[13] **A:** Yes. They called them.  
[14] **Q:** Did you get results on the spot?  
[15] **A:** No. It was a little while after.  
[16] **Q:** How long after did you get the results?  
[17] **A:** Oh, I don't remember.  
[18] **Q:** Within a day or two, or several weeks?  
[19] **A:** I think it was at least a week or more.  
[20] **Q:** Okay. Do you have the report that was  
[21] sent to you by the hospital in New Bedford?  
[22] **A:** I think we gave it right to the Coast  
[23] Guard.  
[24] **Q:** You gave the entire report to the Coast  
[25] Guard?

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[1] **MICHAEL STEPSKI**  
[2] **A:** I think so, yeah.  
[3] **Q:** Do you recall if you kept a copy?  
[4] **A:** I don't think we did.  
[5] **Q:** Okay. Do you know who in the Coast Guard  
[6] you sent it to?  
[7] **A:** I believe it was Alan Blume.  
[8] **Q:** Okay. All right.  
[9] **MR. WEIGEL:** Off the record.  
[10] (Discussion held off the record.)  
[11]  
[12] **DIRECT EXAMINATION**  
[13]  
[14] **BY MR. UNGER:**  
[15] **Q:** Good afternoon, Mr. Stepski. I'm going  
[16] to pick up now and ask you some further questions on  
[17] a variety of topics somewhat different than have  
[18] been covered by Mr. Weigel so far.  
[19] The first question I have for you is, are  
[20] you on any medication today?  
[21] **A:** No.  
[22] **Q:** Have you reviewed any documents before  
[23] coming here today to testify that concern your case?  
[24] **A:** I looked over our deposition copy from  
[25] the last time.

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**MICHAEL STEPSKI  
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**MICHAEL STEPSKI**

- [1] **Q:** Okay. You're referring to the transcript  
[2] of the deposition that you gave on November 9, 2006?  
[3] **A:** Right. Yeah.  
[4] **Q:** Okay. Hopefully you got a thinner  
[5] version. Did you look at anything else?  
[6] **A:** No.  
[7] **Q:** Okay. Prior to your deposition  
[8] commencing on November 9, did you have any meetings  
[9] with your attorneys, either Mr. Healey or  
[10] Mr. Stevens, in preparation for that deposition?  
[11] **A:** Yes.  
[12] **Q:** Okay. How many meetings did you have?  
[13] **A:** I think it was just one.  
[14] **Q:** Okay. And when was that meeting?  
[15] **A:** I believe it was about a week before the  
[16] deposition.  
[17] **Q:** And who was present?  
[18] **A:** Mr. Healey, Ron Stevens, and Terry —  
[19] **Q:** Terry Gargan?  
[20] **A:** Right.  
[21] **Q:** Okay. Was anyone else there?  
[22] **A:** Geal, Ben and Kirsten.  
[23] **Q:** And where was that meeting held?  
[24] **A:** Right here.  
[25]

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**MICHAEL STEPSKI**

- [1] **Q:** And how long did it last?  
[2] **A:** At least two or three hours.  
[3] **Q:** And without telling us specifically what  
[4] was discussed, were topics of discussion what you  
[5] might be asked in terms of the deposition?  
[6] **A:** Yes.  
[7] **Q:** Okay. And did you discuss amongst  
[8] yourselves how the accident had occurred?  
[9] **A:** Yes.  
[10] **Q:** Okay. And the details of what happened  
[11] both before the accident, during the accident, and  
[12] after the accident?  
[13] **A:** Yep.  
[14] **Q:** Okay. And before today's continuation of  
[15] your deposition, did you have any further meetings  
[16] with anyone in order to prepare?  
[17] **A:** We had a meeting a few weeks ago. Same  
[18] thing. Same people.  
[19] **Q:** Again, here in Niantic?  
[20] **A:** Yes.  
[21] **Q:** And were the same topics again covered in  
[22] that meeting?  
[23] **A:** Yes. And we talked about how the first  
[24] depositions went.  
[25]

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**MICHAEL STEPSKI**

- [1] **Q:** Okay. And how long did that meeting  
[2] last?  
[3] **A:** It was about the same. Three hours,  
[4] maybe.  
[5] **Q:** And did you go over any documents while  
[6] you were at that meeting a couple of weeks ago?  
[7] **A:** Yeah, we had the depositions, and we  
[8] looked through those.  
[9] **Q:** Okay. Any other documents?  
[10] **A:** I think we had the Coast Guard report,  
[11] too.  
[12] **Q:** Anything else?  
[13] **A:** A couple of charts.  
[14] **Q:** Anything else?  
[15] **A:** No, I don't think so.  
[16] **Q:** Okay. Just so I'm clear, there was one  
[17] meeting that lasted a couple of hours before your  
[18] deposition in November, and another meeting that  
[19] lasted three hours or so before your deposition  
[20] today?  
[21] **A:** Yep.  
[22] **Q:** Were there any other meetings to prepare  
[23] for the depositions?  
[24] **A:** No.  
[25]

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**MICHAEL STEPSKI**

- [1] **Q:** Okay. When did you first meet with an  
[2] attorney in connection with bringing a lawsuit  
[3] against the Norasia Alya and the other defendants?  
[4] **A:** When did I first meet with one?  
[5] **Q:** Um-hmm.  
[6] **A:** It was shortly after the accident.  
[7] **Q:** How long?  
[8] **A:** I think within a week or so.  
[9] **Q:** Was that Mr. Stevens?  
[10] **A:** Yeah.  
[11] **Q:** Did you consult with any other attorneys?  
[12] **A:** No.  
[13] **Q:** Have you ever consulted with any other  
[14] attorneys besides Mr. Stevens, Mr. Healey, and  
[15] Mr. Gargan in connection with this case?  
[16] **A:** No. I don't believe so. I think we  
[17] had — oh, I had one call me and asked me about it.  
[18] That was it.  
[19] **Q:** Was that attorney associated with  
[20] Mr. Stevens' firm or Mr. Healey's firm?  
[21] **A:** No.  
[22] **Q:** Or Mr. Gargan's firm?  
[23] **A:** No.  
[24] (Discussion held off the record.)  
[25]



**MICHAEL STEPSKI**  
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(1) **MICHAEL STEPSKI**  
(2) **BY MR. UNGER:**  
(3) **Q:** So that was an unsolicited call out of  
(4) the blue?  
(5) **A:** Yes.  
(6) **Q:** And you've never been represented by that  
(7) attorney who called you?  
(8) **A:** No.  
(9) **Q:** Okay. In your first meeting with  
(10) Attorney Stevens, was anyone else present?  
(11) **A:** No, I don't think so.  
(12) **Q:** Okay. How was it that you came to call  
(13) Attorney Stevens?  
(14) **A:** He had helped me in the past in  
(15) situations.  
(16) **Q:** What type of matters?  
(17) **MR. HEALEY:** You know, this has been  
(18) covered. You can go ahead, but it was  
(19) covered, the automobile accident and  
(20) stuff like that, Michael.  
(21) **MR. UNGER:** I couldn't remember,  
(22) so —  
(23) **MR. HEALEY:** Oh. So I would —  
(24) **MR. UNGER:** — just indulge me for  
(25) 30 seconds, and we'll go on.

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(1) **MICHAEL STEPSKI**  
(2) **MR. HEALEY:** Oh, no, no, I will. I  
(3) just thought maybe you hadn't been there,  
(4) but a lot of this has been gone over.  
(5) But I don't think you're going to go  
(6) crazy with it, so go ahead.  
(7) **MR. UNGER:** No.  
(8) **A:** Yeah. An accident I had for a couple of  
(9) legal matters. The loans, of course.  
(10) **BY MR. UNGER:**  
(11) **Q:** Okay. How many times have you met in  
(12) total together with one of the attorneys and any of  
(13) the other people who are plaintiffs in this case?  
(14) **A:** I can't say exactly, but at least a half  
(15) a dozen times.  
(16) **Q:** Do you have a family doctor?  
(17) **A:** Me personally? I usually see a certain  
(18) one, yeah.  
(19) **Q:** What is the name of that doctor?  
(20) **A:** Dr. Rabinovitch.  
(21) **Q:** Rabinovitch?  
(22) **A:** Yeah.  
(23) **Q:** First name?  
(24) **A:** I don't know.  
(25) **Q:** Where is Dr. Rabinovitch located?

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(1) **MICHAEL STEPSKI**  
(2) **A:** In New London.  
(3) **Q:** Is that doctor a specialist in any type  
(4) of medicine?  
(5) **A:** I don't think so.  
(6) **Q:** Just a general practitioner?  
(7) **A:** Yeah.  
(8) **Q:** Okay. How long have you been seeing  
(9) Dr. Rabinovitch as your doctor?  
(10) **A:** Probably almost ten years now.  
(11) **Q:** Prior to May 22 of 2004, how was your  
(12) general health?  
(13) **A:** Good.  
(14) **Q:** And currently, how would you describe  
(15) your general health?  
(16) **A:** My general health is good.  
(17) **Q:** When was your last physical that you had  
(18) before May 22 of 2004?  
(19) **A:** I think I had one about a year, a year  
(20) and a half before that. I don't remember the date.  
(21) It was with a different doctor, though.  
(22) **Q:** Who was that with?  
(23) **A:** I don't remember his name. I think  
(24) Kirsten would remember.  
(25) **Q:** Somehow I figured you were going to

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(1) **MICHAEL STEPSKI**  
(2) suggest that. Do you currently have health  
(3) insurance?  
(4) **A:** Yes. Wait, no. Health insurance? No, I  
(5) don't.  
(6) **Q:** And did you have any health insurance in  
(7) May of 2004?  
(8) **A:** I don't think so, no.  
(9) **Q:** Okay. Prior to May 2004, had you ever  
(10) been to a psychiatrist for any reason?  
(11) **A:** No.  
(12) **Q:** Had you ever been to a psychologist?  
(13) **A:** No.  
(14) **Q:** A counselor?  
(15) **A:** A counselor? What do you mean by  
(16) "counselor"?  
(17) **Q:** Any kind of mental health counselor.  
(18) **A:** No.  
(19) **Q:** Not like a high school guidance  
(20) counselor.  
(21) Had you ever been to any other type of  
(22) professional or paraprofessional in connection with  
(23) any mental health issue?  
(24) **A:** No.  
(25) **Q:** Who is Dr. Small?

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MICHAEL STEPSKI

- [1] A: She's a, I think you can call her a  
[2] psychologist.  
[3] Q: Okay. First name is Gloria, right?  
[4] A: Yeah.  
[5] Q: She's in Guilford?  
[6] A: Yeah. And she's got an office in Old  
[7] Lyme.  
[8] Q: Okay. When was the first time you saw  
[9] Dr. Small?  
[10] A: I don't know. It was within a year after  
[11] the accident.  
[12] Q: If I told you that Dr. Small's records  
[13] reflect that the first time she saw you was in July  
[14] of 2004, would that refresh your recollection?  
[15] A: Yeah, that's probably about right.  
[16] Q: Okay, so a lot closer to a couple of  
[17] weeks than a year, correct?  
[18] A: Yeah, yeah.  
[19] Q: Okay. How did you come to see Dr. Small  
[20] that first time?  
[21] A: How did I come to -- well, I wanted to  
[22] see someone about the trauma I had been through, and  
[23] someone recommended her. I think it was Ron.  
[24] Ron Stevens.  
[25]

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MICHAEL STEPSKI

- [1] Q: How was it that Attorney Stevens  
[2] recommended Dr. Small?  
[3] A: I don't know.  
[4] Q: Well, did you on your own bring it up and  
[5] say, hey, I'd like to go see a psychologist or  
[6] psychiatrist, can you recommend someone, or did  
[7] Attorney Stevens say, why don't you go see  
[8] Dr. Small?  
[9] A: No. Me and Geal, especially, had talked  
[10] about how we could use someone after that. My wife,  
[11] I talked with my wife about it. It was a pretty  
[12] tough experience to go through, so I thought it  
[13] would be a good idea.  
[14] Q: When did Attorney Stevens make the  
[15] recommendation to see Dr. Small?  
[16] A: After we had talked about it.  
[17] Q: Okay. Well, then, let me back up some in  
[18] time.  
[19] Was Geal a client of Attorney Stevens when  
[20] the recommendation was made to go see Dr. Small?  
[21] A: Yes.  
[22] Q: Okay. Who signed up as a client with  
[23] Attorney Stevens first, you or Geal?  
[24] A: I think it was me first. Or we might  
[25]

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- [1] have gone down together.  
[2] Q: Well, that first meeting you met alone,  
[3] though, right?  
[4] A: I think so. I think it was just me. I  
[5] can't remember exactly.  
[6] Q: Okay.  
[7] A: But yeah, I'm pretty sure I talked to him  
[8] first myself.  
[9] Q: All right. Let me jump back even further  
[10] in time. After you got home from New London,  
[11] apparently you had some conversation --  
[12] MR. HEALEY: You're talking about  
[13] immediately after the collision?  
[14] BY MR. UNGER:  
[15] Q: Immediately after the accident, is it  
[16] correct that you had some conversations with Geal  
[17] about the accident?  
[18] A: Yeah, I would think so.  
[19] Q: Well, do you remember?  
[20] A: You mean after I got back? After we got  
[21] back? Yeah, we had been talking on the phone. You  
[22] know.  
[23] Q: Okay. Who brought up the idea of seeing  
[24] someone in terms of a mental health professional to  
[25]

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- [1] discuss the accident with?  
[2] A: I don't remember. I don't remember  
[3] exactly who. I remember we just talked about it and  
[4] thought that it would be a good idea to see someone.  
[5] Ronnie agreed, and he recommended this lady.  
[6] Q: Okay. Had Kirsten also suggested that  
[7] you see someone to talk to?  
[8] A: Yes.  
[9] Q: Okay. According to Dr. Small's records,  
[10] she says you first saw her on July 8, 2004. Does  
[11] that ring a bell?  
[12] A: Yeah.  
[13] Q: Okay. The first time you visited with  
[14] Dr. Small, who was present?  
[15] A: Just me and her.  
[16] Q: Okay. Where was the visit?  
[17] A: In Guilford, if I remember right.  
[18] Q: How long did you meet with her?  
[19] A: An hour.  
[20] Q: Did you fill out any paperwork?  
[21] A: I don't think so, no. I don't remember,  
[22] but I don't believe so. Maybe on that first visit,  
[23] but I can't remember.  
[24] Q: Okay. What were the arrangements for  
[25]

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- (1) paying Dr. Small?  
(2) A: That we would pay her after the case had  
(3) been settled.  
(4) Q: Is that written down somewhere?  
(5) A: Not that I know of, no.  
(6) Q: Okay. You never signed anything  
(7) evidencing that agreement, did you?  
(8) A: No, I don't believe so. And I paid her a  
(9) little bit as we went, but I didn't have a lot of  
(10) money, so she said it would be okay if we waited.  
(11) Q: Okay. Well, was she preparing bills for  
(12) you after each visit?  
(13) A: Yeah.  
(14) Q: Okay. And certain of the bills, or  
(15) portions of the bills you paid, but other portions  
(16) you still have an account due to her, is that right?  
(17) A: Yeah.  
(18) Q: How much do you still owe Dr. Small?  
(19) A: Oh, I don't know.  
(20) Q: How much have you paid her?  
(21) A: I don't know. The most I ever paid was  
(22) \$50 in a visit.  
(23) Q: Do you know what she charges?  
(24) A: I think it was 100, or 110.  
(25)

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- (1) Q: Per visit?  
(2) A: Yeah.  
(3) Q: Okay. And how many times have you seen  
(4) her all told?  
(5) A: I don't know exactly. I think I went to  
(6) see her for about a year. Once a week was what we  
(7) were trying to do.  
(8) Q: Okay. Did you in fact see her once a  
(9) week?  
(10) A: I think so, yeah. Unless for some reason  
(11) I couldn't, but I tried to keep up with that  
(12) once-a-week schedule. I don't know if it was always  
(13) exactly every week.  
(14) Q: And you think you saw her up until about  
(15) a year from when you started?  
(16) A: Yeah.  
(17) Q: Okay. What did you discuss with  
(18) Dr. Small on that first visit that you saw her?  
(19) A: Discussed the whole boat accident.  
(20) Q: Did you tell her how the accident  
(21) happened?  
(22) A: Yeah.  
(23) Q: Okay. As you were talking with  
(24) Dr. Small, was she taking notes?  
(25)

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- (1) A: I don't remember if she took notes.  
(2) Q: Okay. What did you tell her about the  
(3) accident?  
(4) A: I told her how it happened and, you know,  
(5) what happened afterward, how we got rescued and all.  
(6) I told her about my dog drowning and stuff like  
(7) that. You're talking about the first visit?  
(8) Q: Yeah. For the next couple of questions  
(9) until I tell you otherwise, but I'm only talking  
(10) about the first visit, okay?  
(11) A: Okay, sure.  
(12) Q: What else did you tell Dr. Small?  
(13) A: That's about it, pretty much what  
(14) happened. We got into a little bit how it was —  
(15) the effects that I was having afterward, after the  
(16) accident.  
(17) Q: When you say "effects," what do you mean  
(18) by that?  
(19) A: I told her how I would constantly think  
(20) of bad things happening. I told her about bad  
(21) dreams I had had, nightmares. About when I went  
(22) under the boat to get the survival suits, how I was  
(23) worried about it sinking while I was under it. This  
(24) is all just the first visit?  
(25)

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- (1) Q: Um-hmm.  
(2) A: I told her how I was very paranoid about  
(3) bad things happening all the time. Simple things  
(4) like just backing out of my driveway, I'd be worried  
(5) that my kids would be behind the truck. I'd  
(6) constantly get out and look. I told her how I  
(7) thought I was going to die. I was dead sure of it.  
(8) Q: What else did you tell her?  
(9) A: I told her how I was looking for another  
(10) boat but that I wasn't sure if I really wanted to  
(11) get back into it, into fishing.  
(12) Q: Was there anything else you discussed  
(13) with her that first visit?  
(14) A: I can't remember every exact thing that  
(15) we talked about that first visit. This is going  
(16) back a while here.  
(17) Q: Okay.  
(18) A: But that's the kind of stuff I remember.  
(19) Q: Okay. You mentioned that you were  
(20) thinking about bad things happening. What type of  
(21) bad things would you think about?  
(22) A: Things like fires. Bad things happening  
(23) to my children. Like I say, backing out of the  
(24) driveway, I was constantly worried I was going to  
(25)



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(1) run over them. Just constantly worried about my  
 (2) family, myself. Always thinking if I look over my  
 (3) shoulder, something bad was going to happen.  
 (4) I would even picture things happening to  
 (5) people, like tortuous-type things. Just a very  
 (6) negative, a negative feeling all the time was what I  
 (7) had.

(8) Q: Now, when did these — withdrawn.  
 (9) When did you start having these thoughts  
 (10) occur?

(11) A: I would have to say it was shortly after  
 (12) the accident, if not right after.

(13) Q: In terms of days, weeks, can you give me  
 (14) some kind of an estimate?

(15) A: I'd say, I'd have to say within days.

(16) Q: Did you discuss these thoughts with  
 (17) anyone when you started having them?

(18) A: At some point I discussed them with  
 (19) Kirsten. I don't think it was right away.

(20) Q: How long were you having these thoughts  
 (21) before you had a conversation with Kirsten?

(22) A: I don't recall.

(23) Q: A couple of weeks? A month? More?

(24) A: It was probably more than a month.

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(1) Q: When you first had a conversation with  
 (2) Kirsten about the thoughts that you'd been having,  
 (3) can you tell me who said what?

(4) A: I told her some of the same things I told  
 (5) you. She always asked if it helped as I was talking  
 (6) with the psychiatrist, psychologist, whatever she  
 (7) is. She tried to comfort me.

(8) Q: So your conversation with Kirsten about  
 (9) the bad thoughts that you were having took place  
 (10) after you had first seen Dr. Small, am I correct on  
 (11) that?

(12) A: No, I can't remember exactly what I was  
 (13) thinking that far back, but — I really can't say  
 (14) for sure. I may have talked with her about it  
 (15) before that, because I know she thought it would be  
 (16) good if I go to see someone. So I probably talked  
 (17) to her about that, actually.

(18) Q: But as you're sitting here today, you  
 (19) don't remember?

(20) A: No.

(21) Q: But in terms of the conversation, you  
 (22) told her the thoughts, and what was Kirsten's  
 (23) reaction?

(24) A: I remember her saying that she could see

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(1) the change in me as far as that and that I was in a  
 (2) more depressed state.

(3) Q: Prior to the accident, what was your  
 (4) general mental outlook? Were you a happy, positive  
 (5) person? Were you skeptical?

(6) A: Before the accident?

(7) Q: Were you negative?

(8) MR. HEALEY: Before the accident.

**BY MR. UNGER:**

(9) Q: Were you outgoing?

(10) A: Yes, yes. Very outgoing. I loved life.

(11) I lived for what I did. I did exactly what I loved  
 (12) to do, the only thing I've ever wanted to do. I

(13) built my whole life towards fishing, and I loved  
 (14) fishing, I loved being out there, the whole pursuit  
 (15) of the catch, you know, just everything about it,  
 (16) being on my own.

(17) Everything was really perfect as far as I  
 (18) could see. I had something I had always worked for,  
 (19) worked up to slowly over the years, you know? I had  
 (20) a nice house, a great wife and family, kids, the  
 (21) whole thing, and always tried to be in a good mood.  
 (22) Always was very full of life.

(23) Q: Okay. And after the accident, did your

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(1) outlook change?

(2) A: Yeah. Oh, yeah. You could say before  
 (3) the accident I was a the-glass-is-a-half-full-type  
 (4) guy, and now I'm the glass is half empty.

(5) I don't have a lot of drive, for fishing,  
 (6) especially, a lot of drive with work, with work on  
 (7) the boat. I spend a lot more time at home. I just  
 (8) want to be home.

(9) I don't really — see, working for myself,  
 (10) I have to make myself do everything that's necessary.  
 (11) I have to decide what I'm going to do for the day and  
 (12) go and do it. I don't really have that drive anymore  
 (13) where I kind of just push everything aside and try  
 (14) to — I end up staying inside myself.

(15) Especially with fishing, you know, I just  
 (16) don't want to do what's required. I just want to get  
 (17) the job done and get in. I don't want to spend a lot  
 (18) of time out there. I don't even want to be out  
 (19) there. I'm miserable when I'm fishing. I miss my  
 (20) family more than I ever used to.

(21) Q: How old were the children when the  
 (22) accident happened?

(23) A: I think Ava was one and a half maybe, and  
 (24) Kirsten was pregnant with our other daughter.

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- [1] Q: The other daughter was born a couple  
[2] months after the accident, is that right?  
[3] A: Yeah.  
[4] Q: Okay. Her name again?  
[5] A: Madelyn.  
[6] Q: Do you work as many days now fishing as  
[7] you did before the accident?  
[8] A: Yes.  
[9] Q: And you're fishing in the same spots now  
[10] as before?  
[11] A: Yep. Pretty much.  
[12] Q: Okay. And you're pretty much doing the  
[13] same kind of fishing now as before the accident?  
[14] A: Yes.  
[15] Q: Okay. All right. Going back to the  
[16] first visit with Dr. Small, after you shared the  
[17] things that you've talked about with us with the  
[18] doctor, what if anything did she say or do?  
[19] A: She told me I had posttraumatic stress,  
[20] that these things that I've been going through were  
[21] symptoms of that, and that's all I can remember.  
[22] Q: Okay. She used the words "posttraumatic  
[23] stress" on the first visit?  
[24] A: I don't know if she did on the first  
[25]

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- [1] visit.  
[2] Q: Well, again, I'm only talking about the  
[3] first visit now.  
[4] A: I don't know if she did on the first  
[5] visit.  
[6] Q: Did she say anything else that you can  
[7] recall in respect to the first visit?  
[8] A: Not that I can remember, no.  
[9] Q: Did she suggest any kind of therapy or  
[10] further evaluation or testing or anything along  
[11] those lines?  
[12] A: She thought it would be good if I'd come  
[13] and see her again. I had another date for that.  
[14] Q: Did she ever, in the course of any of the  
[15] visits that you had with Dr. Small, did she ever do  
[16] any type of testing with you?  
[17] A: Testing? No.  
[18] Q: Did Dr. Small ever refer you to any other  
[19] doctor?  
[20] A: No.  
[21] Q: Okay. And is it a correct statement that  
[22] you've never been prescribed any kind of medication  
[23] for any mental health issue?  
[24] A: Right.  
[25]

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- [1] Q: Okay. Have you had any discussions with  
[2] Dr. Rabinovitch concerning the accident?  
[3] A: I don't think so, no.  
[4] Q: What about any other medical doctor?  
[5] A: No.  
[6] Q: Other than — withdrawn.  
[7] When you went for the drug and alcohol  
[8] testing on the day of the accident, was that  
[9] administered by a doctor or by a nurse?  
[10] A: A nurse.  
[11] Q: Did you see a doctor that day?  
[12] A: No.  
[13] Q: You had no physical injuries as a result  
[14] of the collision, correct?  
[15] A: Right.  
[16] Q: Okay. On that first visit with  
[17] Dr. Small, did she indicate how often and for how  
[18] long she would like you to be a patient?  
[19] A: No.  
[20] Q: Did Dr. Small say or do anything else you  
[21] recall in respect to that first visit?  
[22] A: Not that I can remember.  
[23] Q: Okay. And sitting here today, have you  
[24] told us everything that you recall having told  
[25]

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- [1] Dr. Small on that first visit?  
[2] A: Yes.  
[3] Q: Okay. When was the next time you saw  
[4] Dr. Small?  
[5] A: I believe it was a week later.  
[6] Q: Were you doing any better at the time?  
[7] A: No.  
[8] Q: What did you and Dr. Small discuss on  
[9] that second visit?  
[10] A: Basically the same things. Yeah, pretty  
[11] much the same things.  
[12] Q: Okay. Did she make any suggestions or  
[13] give you any strategies in terms of how to cope with  
[14] going through the time following the collision?  
[15] A: Not really, no.  
[16] Q: In any of the visits that you saw  
[17] Dr. Small, did she ever discuss with you any kind of  
[18] strategies or plans or some means of trying to deal  
[19] with the problems you were having?  
[20] A: No, it seemed to me more like talking it  
[21] out. That's what I got from it.  
[22] Q: Okay. So her approach was then to simply  
[23] discuss it with you once a week, and the idea was  
[24] hopefully that would help you resolve whatever  
[25]

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[1] issues you had?

[2] **A:** No, she had talked about ways of — let's  
[3] see. I was having issues with my wife, too, at the  
[4] time, arguments and stuff like that. And I remember  
[5] she had talked about ways to deal with that sort of  
[6] thing.

[7] **Q:** All of the times you saw Dr. Small, is it  
[8] correct that it was just you and the doctor alone  
[9] together in the room?

[10] **A:** Yeah.

[11] **Q:** Okay. Kirsten never came to any of the  
[12] sessions?

[13] **A:** No.

[14] **Q:** Okay. Is Kirsten a patient of Dr. Small?

[15] **A:** No.

[16] **Q:** Did Kirsten ever have any discussions  
[17] with Dr. Small —

[18] **A:** No.

[19] **Q:** — to discuss your case?

[20] **A:** No.

[21] **Q:** Okay. When was it that you and your wife  
[22] were having these arguments that you discussed with  
[23] the doctor?

[24] **A:** Just periodically.

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[1] **Q:** Had you argued before the accident?

[2] **A:** Yeah.

[3] **Q:** Okay. And what was different now than  
[4] prior to the accident in terms of the arguments?

[5] **A:** It was more often. I remember, I think  
[6] since my attitude had kind of changed, I think that  
[7] brought a lot of it on.

[8] **Q:** What were the arguments about,  
[9] post-accident arguments?

[10] **A:** Jeez, I don't really remember. I'm sure  
[11] she would remember.

[12] **MR. UNGER:** Off the record.

[13] (Discussion held off the record.)

**BY MR. UNGER:**

[14] **Q:** Were any of the arguments over money?

[15] **A:** Money was a stressful thing, sure. I  
[16] don't know if I'd say the arguments were over money,  
[17] though. But there was a lot of worry there because  
[18] of the loss of the boat, loss of the income, you  
[19] know?

[20] **Q:** Okay. In the weeks or months following  
[21] the accident, it's your testimony, if I'm correct,  
[22] that the frequency of arguments with your wife  
[23] increased, is that right?

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[1] **A:** Yeah.

[2] **Q:** Okay. How frequently would you have  
[3] these arguments?

[4] **A:** At least once a week, maybe more.

[5] **Q:** Okay. And prior to the accident, how  
[6] often did you argue?

[7] **A:** Oh, very — just very occasionally.

[8] **Q:** Okay. Other than giving you some  
[9] suggestions in terms of trying to resolve issues  
[10] with your wife, did Dr. Small give you any other  
[11] suggestions in terms of coping with any of the  
[12] problems you were experiencing?

[13] **A:** I remember she had said — she basically  
[14] just reaffirmed that this accident had a pretty  
[15] negative effect on me as far as that kind of thing.  
[16] That's about it.

[17] **Q:** Overall, do you feel your sessions with  
[18] Dr. Small helped you?

[19] **A:** They did, yeah. It was really nice to  
[20] explain these things I was going through with  
[21] someone that was just there to listen, you know.  
[22] I'd say that did help a bit.

[23] **Q:** Okay.

[24] **A:** It didn't change, it hasn't really

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[1] changed, but it's helped.

[2] **Q:** When you say it hasn't really changed,  
[3] what hasn't really changed?

[4] **A:** Well, I still feel the same way. You  
[5] know, I still worry about bad things happening. I  
[6] still — when I look over my shoulder, I expect to  
[7] see something bad.

[8] On the boat just last week I had a shadow  
[9] come over me. The cloud blocked the sun for a  
[10] minute, and it put me right back to the day when we  
[11] got run over by the ship. It got really dark right  
[12] before it happened. And that's exactly what I  
[13] thought when that shadow came over me is I was right  
[14] back in that position.

[15] **Q:** Okay. You mentioned these bad thoughts  
[16] again. Do you have them with the same frequency now  
[17] that you did shortly after the accident when you  
[18] first started seeing Dr. Small?

[19] **A:** Yeah, pretty much. They're not quite as  
[20] drastic now as they were then, but still very  
[21] regular.

[22] **Q:** Well, how frequently did you have these  
[23] bad thoughts in the weeks after the accident?

[24] **A:** Oh, it was all the time, just a constant.



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- (1)  
(2) Q: Okay. And presently, is it still  
(3) constant, or just occasional?  
(4) A: No, it's still pretty constant.  
(5) Q: I think you mentioned on your first visit  
(6) with Dr. Small that you were having bad dreams or  
(7) nightmares?  
(8) A: Um-hmm.  
(9) Q: In the weeks after the accident, how  
(10) often did you have bad dreams or nightmares?  
(11) A: The weeks after, it was almost every  
(12) night. It was all the time.  
(13) Q: And what were the things that you dreamt  
(14) about? You mentioned your dog dying.  
(15) A: Um-hmm.  
(16) Q: Anything else?  
(17) A: I remember having dreams of other boating  
(18) situations, accidents happening. I'd see — I don't  
(19) remember exactly all of them.  
(20) Q: These dreams of other boating accidents,  
(21) did these involve things that had actually occurred  
(22) to you in the past?  
(23) A: No, just things I seemed to dream up,  
(24) different situations.  
(25) Q: What type of situations?

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- (1) A: Boats sinking, taking on water, that sort  
(2) of thing.  
(3) Q: Okay. Presently are you having bad  
(4) dreams?  
(5) A: Yes. Yes.  
(6) Q: Do you have those bad dreams with the  
(7) same frequency —  
(8) A: No.  
(9) Q: — as you did back in the weeks after the  
(10) accident?  
(11) A: No, I wouldn't say so.  
(12) Q: How often now would you have a bad dream?  
(13) A: Maybe once or twice a week.  
(14) Q: What types of things do you dream about  
(15) presently?  
(16) A: Recently was a house fire, I remember.  
(17) An accident was another one I remember.  
(18) Q: What type of accident?  
(19) A: Vehicle. A car accident. And, like,  
(20) other boating accidents.  
(21) Q: Anybody get hurt in these dreams?  
(22) A: I don't remember.  
(23) Q: Anyone die?  
(24) A: No, not in the dreams.  
(25)

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- (1) Q: Who's involved in your dreams?  
(2) A: It's hard for me to separate the dreams  
(3) from the visuals that I see during the day, because  
(4) I'm always picturing bad things happening to people,  
(5) children. Especially my children. The dreams are  
(6) more situations like a boat sinking or an accident  
(7) taking place.  
(8) Q: Okay. In connection with the dreams, is  
(9) it you or members of your family involved?  
(10) A: Yes, me. And I'd have to say people that  
(11) I know.  
(12) Q: Members of your crew?  
(13) A: Yes.  
(14) Q: And who else?  
(15) A: Other people that I know. Friends.  
(16) Q: You mentioned the visuals that you have  
(17) during the day. These are the bad thoughts that you  
(18) talked about before?  
(19) A: Yes.  
(20) Q: And you actually visualize something  
(21) happening to someone?  
(22) A: Yeah.  
(23) Q: Tell me about that.  
(24) A: I've thought of, especially like fires,  
(25)

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- (1) house fires, I think about that kind of thing. I've  
(2) become very paranoid about that as far as like smoke  
(3) detectors. I went out and bought a whole bunch of  
(4) oversized fire extinguishers for my house, four  
(5) times as many as I needed and twice the size I  
(6) needed.  
(7) I constantly think something bad's going  
(8) to happen. I picture these things happening.  
(9) Pulling out of my driveway, I always think I'm going  
(10) to run over someone, a kid, my own children. I  
(11) picture different methods that I've heard of torture,  
(12) you know, people being tortured. I think of that a  
(13) lot.  
(14) Q: Why is it that you think of torture?  
(15) A: I don't know why. I don't know. Just  
(16) bad things happening in general. It seems to be a  
(17) general thing that I constantly think about.  
(18) Accidents when I'm in the car on the road. I'm very  
(19) paranoid about getting into accidents, especially if  
(20) I drive with other people.  
(21) Q: When you're a passenger or when you're  
(22) driving?  
(23) A: Especially when I'm a passenger. Not so  
(24) much when I'm driving.  
(25)

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- (1) On the boat, I've become a freak about  
(2) listening to the weather. I listen to the weather  
(3) over and over before I decide to go on a trip. I  
(4) won't go if it sounds like it might be the slightest  
(5) bit rough.  
(6) Especially right after the accident, I was  
(7) really paranoid with using radar at night, running a  
(8) boat at night in poor visibility. Any target I'd see  
(9) on the radar screen, I'd watch it like a hawk. I'd  
(10) drop everything I was doing.  
(11) That kind of thing was having an effect on  
(12) my work that I couldn't relax on the boat, especially  
(13) when I got the new boat going.  
(14) I always, when I'm on the boat now, I  
(15) always picture and think in my mind how easy it could  
(16) be for us to sink at any given time, how each  
(17) through-hull fitting on the boat could go at a  
(18) moment's notice. I constantly realize how vulnerable  
(19) we are when we're on the boat. And it's a worry.  
(20) It's a constant worry.  
(21) I'm getting a little off your question.  
(22) Q: No, that's okay. Tell me what else you  
(23) experience in terms of concerns that you still have.  
(24) A: Backing out of my driveway was always a

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**MICHAEL STEPSKI**

- (1) big one. I always — in the beginning, I would  
(2) just, I'd start backing up, I'd stop, I'd get out  
(3) and I'd look behind my truck to make sure nobody was  
(4) there. It was kind of ridiculous for a while.  
(5) But even now when I back out it's the same  
(6) thing, but I don't always stop myself and get out of  
(7) the truck like I did in the beginning.  
(8) I have a new dog, and I worry about her on  
(9) the boat a lot falling off and stuff, where before I  
(10) was very carefree about the dog, just do whatever it  
(11) wants. You know, now I'm constantly checking to make  
(12) sure she's there and stuff.  
(13) My children, I really worry about them,  
(14) especially in the yard, if we're outside and I don't  
(15) keep a good eye on them. I worry about people coming  
(16) and picking them up, taking them, that kind of thing.  
(17) I don't know if that's a natural worry of a parent or  
(18) just me, but I get really nervous about that kind of  
(19) thing now.  
(20) Q: Did you share these thoughts and concerns  
(21) with Dr. Small?  
(22) A: Yeah. Oh, yeah.  
(23) Q: Okay. What else?  
(24) A: I've become very forgetful. I always

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**MICHAEL STEPSKI**

- (1) have something on my mind that I'm not concentrating  
(2) on what I'm doing. My father's been quick to point  
(3) that out.  
(4) Q: How often do you see your father?  
(5) A: Every day.  
(6) Q: He's a fisherman too, right?  
(7) A: No. No, he's retired.  
(8) Q: Is he a former fisherman, though?  
(9) A: Yeah.  
(10) Q: If I remember from your last deposition,  
(11) you worked on his boat when you were in high school?  
(12) A: Yep. Yep. He also had another job as a  
(13) boilermaker, but yeah, I fished with him quite a bit  
(14) and with some other people.  
(15) Q: What other problems do you have that you  
(16) experience now that you didn't have prior to the  
(17) accident?  
(18) A: Like I said, the big one is the fishing,  
(19) not having the drive that I used to. Not wanting to  
(20) be out there like I used to. That's been a big  
(21) problem, especially as far as me making money.  
(22) Q: Money is no longer a motivating factor  
(23) for you?  
(24) A: That's true, yeah.

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**MICHAEL STEPSKI**

- (1) Q: Okay. Any other problems?  
(2) A: I worry about myself dying, not being  
(3) there for my children and my wife. I don't know why  
(4) I think I'm going to die, but I feel like, I don't  
(5) know, for some reason I'm going to die.  
(6) Q: Do any of these visuals that you have  
(7) involve you dying?  
(8) A: No, no. It's usually other people.  
(9) Q: Okay. And how about the dreams, do the  
(10) dreams involve you dying?  
(11) A: No, that's more other people as well.  
(12) Q: Okay. Do you have life insurance?  
(13) A: Yes.  
(14) Q: Okay. Did you have life insurance before  
(15) the accident?  
(16) A: Yeah.  
(17) Q: Okay. Did you increase the amount of the  
(18) life insurance after the accident?  
(19) A: Yes, I did.  
(20) Q: When was that?  
(21) A: I don't know exactly when.  
(22) Q: Was the accident a factor in your  
(23) increasing the life insurance, or was it just  
(24) because now you have two kids and you got college to

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(1) **MICHAEL STEPSKI**  
 (2) pay for or whatever other expenses you got?  
 (3) **A:** Yeah, that was the main factor. I don't  
 (4) remember if I increased it before or after the  
 (5) accident.  
 (6) **Q:** Okay. Any other problems that you have  
 (7) experienced in the past or you presently experience  
 (8) that you ascribe to the accident?  
 (9) **A:** I don't believe I'm as outgoing as I used  
 (10) to be, and that's had a bit of an effect as far as,  
 (11) how could I explain that?  
 (12) Talking with other people in my profession  
 (13) to help further myself in fishing, especially  
 (14) working, you know, just being around fishermen and  
 (15) not talking to them as much as I should to help me  
 (16) get certain information that I need, I've become more  
 (17) withdrawn from that type of thing.  
 (18) **Q:** Prior to the collision, did you belong to  
 (19) any kind of associations?  
 (20) **A:** Niantic Bay Commercial Fishermen's  
 (21) Association. I think that's it.  
 (22) **Q:** Did you hold any officers' positions or  
 (23) anything like that?  
 (24) **A:** I was treasurer and secretary for a  
 (25) while. Actually, I'm still secretary, I just

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(1) **MICHAEL STEPSKI**  
 (2) haven't been to a meeting in a while.  
 (3) **Q:** When you say you haven't been to a  
 (4) meeting in a while, when was the last time you went  
 (5) to a meeting?  
 (6) **A:** We haven't had one in over a year.  
 (7) **Q:** Okay.  
 (8) **A:** Closer to two, maybe.  
 (9) **Q:** All right. Has your participation in  
 (10) that organization changed since the accident?  
 (11) **A:** Yeah, I haven't really had much to do  
 (12) with it.  
 (13) **Q:** And why is that? Other demands on your  
 (14) time?  
 (15) **A:** I think it's more of a lack of interest  
 (16) in the whole business.  
 (17) **Q:** Okay. Why is it that you stopped going  
 (18) to see Dr. Small?  
 (19) **A:** Money was the main reason. I didn't want  
 (20) to keep paying her. She —  
 (21) **Q:** Well, I thought you said you were only  
 (22) paying her a portion or some token amount, and  
 (23) sometimes you didn't pay her when you went at all,  
 (24) and she was going to settle —  
 (25) **A:** It ended up being \$50 every time. That's

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(1) **MICHAEL STEPSKI**  
 (2) what we ended up agreeing to is that I would pay her  
 (3) at least half each time. Sometimes I paid her the  
 (4) whole amount, but she wanted at least half every  
 (5) time.  
 (6) **Q:** Okay.  
 (7) **A:** And that was getting to be an issue.  
 (8) **Q:** Okay. Your income now is more than what  
 (9) you were making before the accident, is that a fair  
 (10) statement?  
 (11) **A:** This year you're going by, or —  
 (12) **Q:** Well, let's go in 2005. 2005 you made  
 (13) more than you made in 2003, right? I mean, we can  
 (14) look at the tax returns, but —  
 (15) **A:** Yeah. I don't remember exactly, but  
 (16) okay.  
 (17) **Q:** And you had a pretty good year in 2005,  
 (18) right?  
 (19) **A:** Um-hmm.  
 (20) **Q:** Okay. And this past year, did you do  
 (21) better in 2006 than you did in 2005?  
 (22) **A:** No. I did pretty poor this year. See,  
 (23) when we first got that boat, just starting out, I  
 (24) still had projects going on it. I still hadn't  
 (25) gotten it to the way I wanted it to be, which was —

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(1) **MICHAEL STEPSKI**  
 (2) of course with the scalloping, once we were done  
 (3) with the spring monk season, we were just going to  
 (4) go right into scalloping.  
 (5) And I still haven't done that, and that's  
 (6) more out of a lack of, you know, pushing myself like  
 (7) I could before. It was the summer after the accident  
 (8) that I wanted to get into the scalloping pretty  
 (9) heavy, and that of course didn't happen that year.  
 (10) And since then, if I had enough money in  
 (11) the bank where I didn't have to go fishing, I  
 (12) wouldn't. With the scalloping, especially, I had to  
 (13) really push myself to do it when I should have.  
 (14) **Q:** You've never scalloped before, is that  
 (15) correct —  
 (16) **A:** No.  
 (17) **Q:** — on your own boat?  
 (18) **A:** No.  
 (19) **Q:** Okay. But your testimony is you were  
 (20) planning on scalloping in the summer of 2004, and  
 (21) you would have done so but for the collision, is  
 (22) that right?  
 (23) **A:** Yeah. Yeah.  
 (24) **Q:** Okay. Where were you planning to scallop  
 (25) in the summer of 2004?



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[1] **MICHAEL STEPSKI**  
[2] A: Where? Right out in, basically south of  
[3] Montauk and Block Island.  
[4] Q: Okay. Again, had there not been the  
[5] collision, is it your testimony that you would have  
[6] continued to scallop in 2005 and 2006 and  
[7] continuing?  
[8] A: Oh, absolutely. They had some really  
[9] good years, had some really good fishing because of  
[10] it.  
[11] Q: Have you thought about doing something  
[12] else other than fishing?  
[13] A: Yeah, yeah. I think a lot about it now.  
[14] Q: Have you done anything about it?  
[15] A: Well, I really can't, as far as being —  
[16] my idea of doing something would be to buy land and  
[17] start a farm. That's what I'd love to do. But that  
[18] takes a lot of money that I don't have.  
[19] Q: What other occupations have you  
[20] considered as an alternative besides farming?  
[21] A: I have had a slight interest in writing,  
[22] and that's one other thing that I could see myself  
[23] doing. But I know I couldn't do it in the long-term  
[24] type thing. I'd need an outdoor activity like  
[25] farming or fishing. There's nothing that would

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[1] **MICHAEL STEPSKI**  
[2] substitute for me. But I would like to pursue  
[3] writing.  
[4] Q: What about driving a truck or something  
[5] like that?  
[6] A: No. I hate driving. I hate it. Even  
[7] the little bit I have to do here to Gloucester and  
[8] New Jersey, I prefer to take a train.  
[9] Q: Landscaping, that kind of thing?  
[10] A: No, no. It would have to be something  
[11] like produce, producing something. It would have to  
[12] be something along those lines.  
[13] Q: Have you ever taken any writing courses?  
[14] A: Yeah, I took one probably going back six  
[15] years ago. It was a college course that I took one  
[16] time one summer. I loved it, too. I'd love to do  
[17] more of that.  
[18] Q: Have you ever done any writing in  
[19] respect — after the accident?  
[20] A: I've started a little bit, but I never  
[21] went through with any of the things I wanted to  
[22] start writing about.  
[23] Q: What kind of things were you starting to  
[24] write about?  
[25] A: One time I started writing about

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[1] **MICHAEL STEPSKI**  
[2] comparing presidents to kings. I wrote down a bunch  
[3] of pages. I was into it for a short while, but I  
[4] just didn't finish it.  
[5] What else? I can't remember. I know I  
[6] started to get into something else.  
[7] Oh, fishing stories. I did a couple —  
[8] oh, what was the topic? Something about the  
[9] overregulation of the fisheries I started not too  
[10] long ago. I was actually going to send it in to one  
[11] of the fishing publications to see if they wanted to  
[12] print it, see what they think.  
[13] What else? That's about it.  
[14] Q: Did you send it in?  
[15] A: No. I never finished that either.  
[16] Q: Okay. Do you keep a journal?  
[17] A: No. No, I haven't.  
[18] Q: A diary or anything like that?  
[19] A: No, not in a long time. Not since I took  
[20] that course.  
[21] Q: Okay. After the collision, when was the  
[22] next time that you were on or near a boat?  
[23] A: It was probably about a week, a week and  
[24] a half later, I went out with my friend to retrieve  
[25] my nets.

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[1] **MICHAEL STEPSKI**  
[2] Q: What's his name?  
[3] A: Scott Ashenfelder.  
[4] Q: And you went out on his boat?  
[5] A: Yeah.  
[6] Q: Okay. Anybody else go with you?  
[7] A: Yeah, he had another crew member. I  
[8] don't remember who it was at the time. Oh, Alan  
[9] Holmberg.  
[10] Q: Okay. And what did you do with the  
[11] catch?  
[12] A: He kept it. I got a share, a crew share  
[13] for the trip. Because we hauled some of his nets,  
[14] too. It actually took a couple of trips to get all  
[15] of my nets back, because we only hauled one or two  
[16] at a time, you know?  
[17] Q: Okay. So there were a couple of trips  
[18] within a week or two of the accident?  
[19] A: Yeah.  
[20] Q: Okay.  
[21] A: I was a mess on that trip. I remember  
[22] the first one going out, we were coming by Montauk,  
[23] there was a bit of traffic, I had the wheel watch,  
[24] and normally, you know, you just watch the targets  
[25] on the radar and figure out who's going where.

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**MICHAEL STEPSKI**

[1] I was standing on the chair with my head  
[2] out the sunroof hatch with binoculars, and everything  
[3] in sight, every little light and dot on the horizon,  
[4] I remember just being a mess.  
[5] And I actually got to the point where I  
[6] just went and woke up the crew, Alan there, to make  
[7] over my place. I was just getting stressed out.  
[8] There was one person that, we had the right-of-way,  
[9] and he kept going, and I just couldn't take it after  
[10] that. I went and woke him up.  
[11] Q: What time of day was it that you were  
[12] coming back?  
[13] A: We were going, on our way out. It was  
[14] early in the morning. Sunrise.  
[15] Q: Okay. Was it foggy?  
[16] A: No, just dark.  
[17] Q: So the visibility was good, but it was  
[18] dark?  
[19] A: Yeah.  
[20] Q: Okay.  
[21] A: Ever since then I've had a similar  
[22] paranoia, but not as fierce and severe as the first  
[23] trip.  
[24] Q: Do you have any other problems other than

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**MICHAEL STEPSKI**

[1] the episode where you were going through Montauk?  
[2] A: No. No.  
[3] Q: What about that second trip?  
[4] A: The second trip I was still pretty bad,  
[5] but I had the same thing. I was standing up,  
[6] looking through the wheelhouse hatch. I was pretty  
[7] nervous about anything.  
[8] Q: So the nervousness was associated with  
[9] the navigation of the vessel; it didn't have  
[10] anything to do with the actual pulling the nets and  
[11] picking the fish and all the other things that  
[12] accompany the job, right?  
[13] A: No, I just, when we were hauling the  
[14] nets, I remember just looking out all the time, you  
[15] know, that kind of worry.  
[16] Q: What was the worry?  
[17] A: That someone was going to come through  
[18] the side at any second. That's basically it.  
[19] Q: Did you continue to go out on other boats  
[20] on a fairly regular basis from the time you first  
[21] went back a week or so after the collision up until  
[22] you got your new boat?  
[23] A: No. No, I think I just used my small  
[24] boat and fished inshore.  
[25]

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**MICHAEL STEPSKI**

[1] Q: How often did you do that?  
[2] A: The inshore, I started going out on a  
[3] pretty daily basis. Not seven days a week, but at  
[4] least four or five. I should have been going seven  
[5] days a week, but ...  
[6] Q: And what did you fish for?  
[7] A: Fluke, flounder, conch, that type of  
[8] thing. Lobster, scup.  
[9] Q: And you fished under the same permit that  
[10] we were talking about earlier today?  
[11] A: Yeah. The Connecticut state permit,  
[12] yeah.  
[13] Q: And you would have had to fill out trip  
[14] reports for each of those?  
[15] A: Yeah. Yes.  
[16] Q: Okay. Presumably you sold your catch to  
[17] A & A or one of the other —  
[18] A: Gambardella, yeah.  
[19] Q: Okay. And this was before you first saw  
[20] Dr. Small, is that right?  
[21] A: The first trip I did to get my nets?  
[22] Q: Yeah.  
[23] A: Yes.  
[24] Q: The second trip, that was also before you

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**MICHAEL STEPSKI**

[1] saw Dr. Small?  
[2] A: Yeah, yeah, I think so.  
[3] Q: And your going out in your small boat was  
[4] when —  
[5] A: As I was seeing her, yeah.  
[6] Q: Did you do any small boat trips on your  
[7] own before seeing her?  
[8] A: I don't know. I don't know.  
[9] Q: Okay. Did Dr. Small know that you had  
[10] gone out to retrieve your nets?  
[11] A: Yeah, yeah, I told her about that.  
[12] Q: And did you tell Dr. Small that you were  
[13] fishing on your small boat?  
[14] A: Yep.  
[15] Q: Okay. Did you fish with anybody else as  
[16] crew other than the two times to get your nets?  
[17] A: I don't think so. I think I just did  
[18] those two trips.  
[19] Q: Okay.  
[20] A: It's possible I did another one or two  
[21] with them, but I don't remember.  
[22] Q: Okay. When did you first start looking  
[23] for a boat to replace the Ava Claire?  
[24] A: It must have been the midsummer.  
[25]

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**MICHAEL STEPSKI**

- (1) Q: Okay. And you traveled up and down the  
(2) coast and looked at a bunch of boats?  
(3) A: Yeah. I went all the way up to the  
(4) border of Canada, and I was looking at a boat there.  
(5) Of course in the computer, I was looking at boats in  
(6) Florida and pretty much all over.  
(7) Q: I love the Internet for that kind of  
(8) stuff.  
(9) MR. HEALEY: It's amazing.  
(10) MR. UNGER: It's incredible.  
(11) BY MR. UNGER:  
(12) Q: So you went out sometime late summer and  
(13) secured a loan in order to help purchase the new  
(14) boat?  
(15) A: Yeah.  
(16) Q: And in the interim, you were also dealing  
(17) with the insurance company to resolve the claim on  
(18) the Ava Claire?  
(19) A: Yeah.  
(20) Q: Okay. Any problems with the insurance  
(21) company settlement on the Ava Claire?  
(22) A: No, it was what we insured it for. It  
(23) wasn't what it was worth at the time, but —  
(24) Q: Okay. Do you have a brother who's also  
(25)

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**MICHAEL STEPSKI**

- (1) fisherman?  
(2) A: Yeah. Yeah.  
(3) Q: Locally around here?  
(4) A: Yes. Yep. Well, he's not a fisherman  
(5) now, but he fished with me quite a bit.  
(6) Q: That's Nick, right?  
(7) A: Yeah.  
(8) Q: Okay. Does he have his own boat?  
(9) A: No.  
(10) Q: Do you have difficulty sleeping now?  
(11) A: Yeah, I do. I have a tough time getting  
(12) to sleep in the first place, and I wake up really  
(13) early.  
(14) Q: Okay. Waking up early is something  
(15) you've been doing all your life, right?  
(16) A: Yeah. Yeah. But I will whether I have  
(17) to or not, really.  
(18) Q: Okay. All right. Shortly after the  
(19) accident, were you having trouble sleeping then?  
(20) A: Yeah.  
(21) Q: Worse? The same? Anyhow different  
(22) between shortly after and now in terms of your  
(23) sleeping?  
(24) A: I remember waking up a lot then. I do  
(25)

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**MICHAEL STEPSKI**

- (1) now, but not as much as I did then.  
(2) Q: Okay. Do you drink alcohol?  
(3) A: Did I or —  
(4) Q: Do you?  
(5) A: Yeah, socially.  
(6) Q: And is that true before the accident?  
(7) A: Yeah. Yeah.  
(8) Q: How often prior to the accident would you  
(9) drink?  
(10) A: A couple days a week, probably.  
(11) Q: How many drinks per time?  
(12) A: I mean, if I was out for a night with  
(13) friends, I don't know, I'd probably have six drinks  
(14) or so. Depending on the period of time being out.  
(15) Q: Sure.  
(16) A: Occasionally we'd have a few after a trip  
(17) on the dock, if someone brought something to the  
(18) boat or something like that.  
(19) Q: Okay. At home do you drink?  
(20) A: Not really. Occasionally if a friend  
(21) comes over I'll have a beer or something together.  
(22) Q: Okay. Prior to the accident, did you  
(23) ever do recreational drugs?  
(24) A: No. Way back a little bit after high  
(25)

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**MICHAEL STEPSKI**

- (1) school I smoked some pot with kids. That was about  
(2) it.  
(3) Q: Okay. Subsequent to the accident have  
(4) you engaged in any form of recreational drug use?  
(5) A: No.  
(6) Q: Okay. Have you been prescribed any kind  
(7) of medication subsequent to the accident?  
(8) A: No.  
(9) Q: In terms of finances, you mentioned that  
(10) money was a concern. Can you tell me about that?  
(11) A: Well, this year especially money's been  
(12) very tight. I don't really have — usually we have  
(13) a good bank account together at this time of year to  
(14) get through the winter, because fishing's really  
(15) slow over the winter. But this year I don't. I've  
(16) had to borrow some.  
(17) Q: Who have you borrowed money from?  
(18) A: My father.  
(19) Q: And how much have you had to borrow?  
(20) A: About \$5,000.  
(21) Q: Okay. How much did you buy the new boat  
(22) for?  
(23) A: The boat was sixty.  
(24) Q: And did you have to put money into it?  
(25)



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[1] A: Yeah. Yeah, a little.  
[2] Q: How much did you put into it?  
[3] A: As far as fixing it up?  
[4] Q: Yeah, fixing it up, working on it,  
[5] equipment.  
[6] A: I had to buy a \$2,300 BMS unit and a lot  
[7] of small things. I put rod holders in and lights,  
[8] that kind of thing. Not a lot.  
[9] Q: It sounds like it wasn't quite the  
[10] project that the Ava Claire was?  
[11] A: No. No.  
[12] Q: You didn't have to go about rebuilding  
[13] the new boat?  
[14] A: No, no. I needed something ready to go,  
[15] you know? That's why I went with it. It was ready  
[16] to fish.  
[17] Q: Okay. And she's a gillnetter as well?  
[18] A: Yeah.  
[19] Q: But she's not rigged for scalloping?  
[20] A: No.  
[21] Q: Okay. What do you have to do in order to  
[22] get her rigged for scalloping?  
[23] A: You have to build a frame, an A frame, we  
[24] call it, and mount a winch and a couple of smaller  
[25]

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**MICHAEL STEPSKI**  
[1] gears for pulling in the dredge. Basically small  
[2] winches, buy the dredge, and certain reinforcements  
[3] around the stern of the boat.  
[4] Q: It sounds like all that equipment goes  
[5] where you would have your picking area and your fish  
[6] pens and your pens that you have for your nets when  
[7] you're monkfishing, is that right?  
[8] A: Yeah. You'd have to take all that off  
[9] and switch over when you're done gillnetting, switch  
[10] over to go scalloping, you know?  
[11] Q: Okay. How long would that take to do?  
[12] A: If everything was already together, just  
[13] a matter of bolting it on the boat, it would be a  
[14] matter of a few-day turnover.  
[15] Me, I already have the winch, but I would  
[16] have to build a frame. That's something I still have  
[17] to do. So that could take a couple of weeks by the  
[18] time you get all that done.  
[19] Q: Okay. All right. Are you still monkfishing  
[20] now?  
[21] A: No. No. Well, I just started working on  
[22] another boat that I'm going to be running for a guy,  
[23] but I'm not with my own boat. I'm out of days.  
[24] Q: When you're out of days?  
[25]

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**MICHAEL STEPSKI**  
[1] A: Yeah.  
[2] Q: What do you mean by when you're out of  
[3] days?  
[4] A: Days at sea, how many days you're allowed  
[5] to fish.  
[6] Q: Is that a federal restriction?  
[7] A: Yeah.  
[8] Q: How many days on your federal license are  
[9] you allowed to fish per year?  
[10] A: I have — well, 40 is the max with the  
[11] monkfishing.  
[12] Q: Okay. So you're allowed to monk for 40  
[13] days?  
[14] A: Yeah.  
[15] Q: So now you're going to join up with this  
[16] other guy and be brought on his license for  
[17] additional days monkfishing, is that right?  
[18] A: Yeah.  
[19] Q: Who's that?  
[20] A: The guy's name is Kevin Haber.  
[21] Q: Okay.  
[22] A: Actually, wait. He owns the boat with  
[23] another guy. Tim, I don't remember Tim's last name.  
[24] Kevin Haber is the guy.  
[25]

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**MICHAEL STEPSKI**  
[1] Q: Okay. Where is that boat run out of?  
[2] A: Long Island. Schinnecock is the home  
[3] port.  
[4] Q: What's the name of the boat?  
[5] A: I haven't even started on it. I haven't  
[6] gone out on it yet.  
[7] Q: Okay. Where does Kevin Haber live?  
[8] A: I believe he lives on Long Island, too.  
[9] Q: Okay. And you're going to crew on the  
[10] boat with him, or what's the arrangement?  
[11] A: I'm going to run the boat and bring my  
[12] own crew.  
[13] Q: Okay.  
[14] A: And then I'll get a share of the catch.  
[15] Q: Okay. Presumably more than the 20 or  
[16] 25 percent when you run your own boat and you pay  
[17] your crew 20 or 25 percent?  
[18] A: Yeah. Well, he'll take expenses out, and  
[19] then he'll take half, and I'll take my half and pay  
[20] the crew out of my half.  
[21] Q: Okay. And is the game plan you're going  
[22] to run his boat for 40 days as well?  
[23] A: No, I'm just going to finish up the  
[24] season with it.  
[25]

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- [1] Q: Okay. Well, how many days are we talking  
[2] about?  
[3] A: Oh, I don't know. Usually his days are  
[4] right into February, and then it slows down a bit.  
[5] But I'm hoping the fishing will hold up that I can  
[6] fish right through until I get my days back in May.  
[7] Q: Okay.  
[8] MR. UNGER: Off the record.  
[9] (Discussion held off the record.)  
[10] BY MR. UNGER:  
[11] Q: Okay. So hopefully, then, you'll spend  
[12] whatever time is left on his license, Kevin Haber's  
[13] license, finish that out, and that'll take you up  
[14] till May?  
[15] A: Yeah, I'm hoping it works out that way.  
[16] Q: Okay. And just so I have it right in my  
[17] head, when you go monking, you go out, you set, and  
[18] you haul every three days, is that right?  
[19] A: Well, this time of year that can be a  
[20] problem, but, yeah, three to four days is what you  
[21] try for.  
[22] Q: Okay.  
[23] A: Sometimes you can only get out once a  
[24] week, sometimes a couple days of week. This year,  
[25]

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- [1] though, we'll probably get out every three days on  
[2] the money, you know?  
[3] Q: Sure.  
[4] A: Unless the fishing's really good, then,  
[5] you know, hopefully we can go every day, you know?  
[6] Q: Okay.  
[7] A: It depends.  
[8] Q: It depends on how the fish are running  
[9] and how long you're going to soak?  
[10] A: Yeah.  
[11] Q: Okay. All right. And then come May, the  
[12] game plan is for you to come start monking again on  
[13] your own license?  
[14] A: Yeah.  
[15] Q: Okay. Now, are there restrictions under  
[16] the Connecticut's license as to how many days you  
[17] can fish?  
[18] A: No.  
[19] Q: Okay. What do you expect you'll earn in  
[20] 2007 with working with Haber and on your own?  
[21] MR. HEALEY: I object. What do you  
[22] expect to earn?  
[23] MR. UNGER: Yeah.  
[24] MR. HEALEY: Well, it's all right.  
[25]

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- [1] I don't know if he can make it, but it  
[2] seems to me that it's just pure  
[3] speculation. If that's what you're  
[4] taking —  
[5] MR. UNGER: I'm just asking  
[6] questions.  
[7] MR. HEALEY: I understand that, and  
[8] I'm just saying —  
[9] MR. UNGER: Well, if he has any  
[10] basis upon which to give us a —  
[11] MR. HEALEY: All right. When you  
[12] add that, that's okay.  
[13] MR. UNGER: — to give us an  
[14] estimate as to what he reasonably expects  
[15] he'll earn in 2007, then I'll take it.  
[16] BY MR. UNGER:  
[17] Q: If you have no clue, say you have no  
[18] clue.  
[19] A: I'd have to hope for a couple hundred  
[20] thousand stock.  
[21] Q: And that's pre-expense, right?  
[22] A: Yeah.  
[23] Q: Yeah, okay. You told us at your last  
[24] deposition that you had been involved in a car  
[25]

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- [1] accident, I think it was in the winter of 2004, is  
[2] that right?  
[3] A: Yeah. Yeah.  
[4] Q: Is that the case that Attorney Stevens  
[5] was representing you on?  
[6] A: Oh, no. It's got to be back before 2004  
[7] where a truck slammed into us, totaled our trucks,  
[8] and he represented me on that one. That was the  
[9] only accident I had that I had to have anybody  
[10] represent me.  
[11] Q: Okay. There was a lawsuit in connection  
[12] with that accident?  
[13] A: Yeah. Yeah.  
[14] Q: And did it settle, or did it go to trial?  
[15] A: It settled.  
[16] Q: Were you seriously injured in the  
[17] accident?  
[18] A: I had a concussion.  
[19] Q: Was Kirsten with you in the truck?  
[20] A: We weren't together then, so —  
[21] Q: Okay.  
[22] A: This is going back a ways.  
[23] Q: That's ancient history. Pre-marriage.  
[24] Okay.  
[25]

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[1] Have you had any other prior accidents or  
[2] near misses in your life —  
[3] **MR. HEALEY:** I object. Near misses?  
[4] Sounds like nothing happened.  
[5] **MR. UNGER:** Let me finish.  
[6] **MR. HEALEY:** I'm sorry.  
[7] **BY MR. UNGER:**  
[8] **Q:** Let me start over.  
[9] Have you had any — well, I'll break the  
[10] question down.  
[11] Have you had any other accidents in which  
[12] you've been injured?  
[13] **A:** No. Not that I can remember.  
[14] **Q:** Okay. Have you had any incidents in your  
[15] life which you might characterize as a near miss in  
[16] terms of you just missed being involved in a  
[17] traumatic accident?  
[18] **A:** Not that I can remember.  
[19] **Q:** What about back in high school when you  
[20] were — do you recall an episode where you were  
[21] asked to go on a fishing trip and you declined to go  
[22] and someone was hurt or killed?  
[23] **A:** Yeah. Oh, yeah. Yeah, I guess you could  
[24] call that a near miss, sure.  
[25]

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**MICHAEL STEPSKI**

[1] **Q:** Okay. How did that affect you?  
[2] **A:** Well, it was a good friend of mine that  
[3] died. The boat rolled over, and I had a really hard  
[4] time dealing with his death.  
[5] **Q:** Do you have any difficulties in sleeping  
[6] or any bad dreams or bad thoughts or anything that  
[7] arose out of that accident?  
[8] **A:** No. No, that was mostly just losing a  
[9] friend.  
[10] **Q:** Okay. Did you have any bad dreams or bad  
[11] thoughts or other difficulties as a result of the  
[12] automobile accident in which Attorney Stevens  
[13] represented you?  
[14] **A:** What was the question? You're asking if  
[15] I had bad dreams or thoughts because of that?  
[16] **Q:** Right.  
[17] **A:** No. No.  
[18] **Q:** Now that we've covered a couple of types  
[19] of things that one might characterize as a close  
[20] call, any others that you remember?  
[21] **A:** No. Not that I can think of.  
[22] **Q:** Did you ever discuss having had several  
[23] close calls with Dr. Small?  
[24] **A:** No, not that I can remember.  
[25]

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**MICHAEL STEPSKI**

[1] **Q:** Okay. Did you ever discuss having an  
[2] automobile accident in the winter of late January —  
[3] I'm sorry, late 2003, early 2004?  
[4] **A:** I had an accident with my wife where we  
[5] hit a tree in the car, totaled the car.  
[6] **Q:** Okay.  
[7] **A:** If that's what you're referring to.  
[8] **Q:** Okay. Was anybody injured in that  
[9] accident?  
[10] **A:** Oh. Well, they took my wife away in the  
[11] stretcher, worried about a neck injury. And she may  
[12] have hurt her neck in that. I'm not sure if that's  
[13] what they concluded that it was from that accident  
[14] or not, but that was it.  
[15] **Q:** Okay. Was that a one-vehicle accident?  
[16] **A:** Yeah.  
[17] **Q:** Who was driving?  
[18] **A:** She was. Kirsten.  
[19] **Q:** Okay. Was your daughter in the car?  
[20] **A:** Yes.  
[21] **Q:** Was she hurt?  
[22] **A:** No. No, she was fine.  
[23] **Q:** Okay. Were you injured?  
[24] **A:** No.  
[25]

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**MICHAEL STEPSKI**

[1] **Q:** As a result of that car accident, did you  
[2] have any bad thoughts or bad dreams or any other  
[3] problems?  
[4] **A:** No, just a little sketchy on the road and  
[5] driving, especially with icy conditions. We slipped  
[6] on the ice is what happened.  
[7] **Q:** Okay.  
[8] **A:** So I was worried about that.  
[9] **Q:** So fair to say that after that, you  
[10] became quite a lot more careful in terms of driving  
[11] in bad weather?  
[12] **A:** Yeah. Yeah. A little nervous about  
[13] being on snow and ice.  
[14] **Q:** Okay. You mentioned previously that you  
[15] discussed with Dr. Small, one of those things that  
[16] you discussed was that your dog died in the  
[17] accident?  
[18] **A:** Um-hmm. Um-hmm.  
[19] **Q:** Was the dog alive when the helicopter  
[20] arrived?  
[21] **A:** No. No.  
[22] **Q:** Okay. The dog — when was the last time  
[23] you saw the dog?  
[24] **A:** After the boat sank, he came up, and he  
[25]



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(1) was struggling to swim. But we were all still in  
(2) the water, so I wanted to make sure the guys got on  
(3) the raft before I went for the dog. Then when I  
(4) looked back after we got in, he was sitting there  
(5) floating, dead.

(6) **Q:** Okay. So it was before you even went for  
(7) the immersion suits?

(8) **A:** Yes.

(9) **Q:** Okay. And the last time you talked a  
(10) little bit about what happened after you got into  
(11) the immersion suits and you got into the life raft,  
(12) you were looking around for anything that was  
(13) considered to be of use.

(14) Did you have any discussions while all  
(15) this was going on with Geal or Ben in terms of your  
(16) situation?

(17) **A:** Yeah. I told them basically to look for  
(18) anything that they could find to help us survive, to  
(19) keep paddling. I wanted to make sure they kept  
(20) paddling. We went through all the debris to find  
(21) anything we could. I was just being really picky  
(22) about that, you know?

(23) At times they slacked off with the  
(24) paddling and just kind of wanted to sit there and  
(25)

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**MICHAEL STEPSKI**

(1) give up. But that was my main thing, that we just  
(2) keep searching.

(3) **Q:** Okay. There wasn't much current,  
(4) correct?

(5) **A:** No.

(6) **Q:** So you were either — you were just north  
(7) of the shipping lane, right?

(8) **A:** Um-hmm.

(9) **Q:** And you had manually activated the EPIRB?

(10) **A:** Yeah. Well, it was already flashing when  
(11) we found it. Then I manually activated it anyway  
(12) just to be sure, you know?

(13) **Q:** Okay. So were you reasonably confident  
(14) at the time that you were going to be found?

(15) **A:** No, because the antenna was broken off,  
(16) so I was worried it might not be giving off a  
(17) signal.

(18) **Q:** Okay. And as I recall it was somewhere  
(19) in the neighborhood of two or three hours before the  
(20) rescue helicopter arrived?

(21) **A:** Yeah.

(22) **Q:** Okay. Did you have any discussions with  
(23) Ben or Geal during this time that you were waiting  
(24) for the helicopter?  
(25)

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**MICHAEL STEPSKI**

(1) **A:** Yeah, we talked a little bit, but I can't  
(2) remember exactly what was said or what we talked  
(3) about.

(4) **Q:** Okay. Is that one of the subjects you  
(5) discussed at any of the meetings that you had with  
(6) the attorneys where Ben and Geal were also in  
(7) attendance?

(8) **A:** What's the question?

(9) **Q:** Was the subject of what you guys were  
(10) talking about while you were waiting to be rescued  
(11) discussed —

(12) **A:** No.

(13) **Q:** — during any of these meetings with the  
(14) lawyers and the other plaintiffs?

(15) **A:** No.

(16) **Q:** Okay.

(17) **MR. UNGER:** Can you guys give me  
(18) five minutes?

(19) **MR. HEALEY:** Sure.

(20) (Recess, 4:35 p.m. to 4:50 p.m.)

(21) **BY MR. UNGER:**

(22) **Q:** The helicopter arrived, and all three of  
(23) you were brought aboard, is that right?

(24) **A:** Yep.  
(25)

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**MICHAEL STEPSKI**

(1) **Q:** Okay. Who went first?

(2) **A:** It was either Geal or Ben. I'm not sure  
(3) which one.

(4) **Q:** Was there a rescue swimmer who came down?

(5) **A:** Yeah.

(6) **Q:** Okay. Did he actually go in the water?

(7) **A:** Yep. Yeah, he swam over to the raft, and  
(8) he pulled us to the basket which was hanging from  
(9) the helicopter.

(10) **Q:** Okay. All right. And where were you in  
(11) the order of getting aboard?

(12) **A:** Last.

(13) **Q:** Okay. Did you have any conversation with  
(14) the crew of the helicopter?

(15) **A:** No. It was so loud in there, that it was  
(16) too loud to talk, but I did try to tell him that the  
(17) ship hit us and the direction it was going.

(18) **Q:** Okay. Did you have any conversation with  
(19) the crew of the helicopter after you got back to  
(20) New London?

(21) **A:** The helicopter crew? No. No. Well,  
(22) they brought us to Cape Cod.

(23) **Q:** I'm sorry, Cape Cod. But no conversation  
(24) after you got off?  
(25)

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[1] **MICHAEL STEPSKI**  
 [2] A: No, no, not really. Well, I'm not sure  
 [3] if it was the crew that was in the area that they  
 [4] brought us in the building that was with us or not,  
 [5] but there was a few Coast Guard personnel there.  
 [6] They asked us to write our stories and stuff like  
 [7] that.  
 [8] Q: And we talked about all that last time,  
 [9] so I'm not going to get into it now.  
 [10] You've read the Coast Guard report,  
 [11] correct?  
 [12] A: Yes.  
 [13] Q: What was your reaction when you got the  
 [14] report?  
 [15] A: I was surprised that it finally arrived  
 [16] and it had taken two years, but reaction to it after  
 [17] reading it?  
 [18] Q: (Nodding.)  
 [19] A: There was a few mistakes here and there,  
 [20] but everything seemed to be pretty well right, you  
 [21] know?  
 [22] Q: Were you upset at all by the findings in  
 [23] the report?  
 [24] A: No, no. Everything seemed pretty right  
 [25] to me.

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**MICHAEL STEPSKI**

[1] **MICHAEL STEPSKI**  
 [2] Q: Okay. Before marrying Kirsten, were you  
 [3] previously married?  
 [4] A: No.  
 [5] Q: Okay. Subsequent to the accident, have  
 [6] you and Kirsten sought any kind of marital  
 [7] counseling?  
 [8] A: We had talked about it a few times, but  
 [9] never actually did it.  
 [10] Q: When did you discuss it?  
 [11] A: Just after some trying times, you know,  
 [12] times that we didn't get along.  
 [13] Q: When were they in relation to the  
 [14] accident? How far along after the accident?  
 [15] A: Probably a few months to six months  
 [16] after, I'd say. That's a guess, though, you know?  
 [17] Q: And the reasons you weren't getting  
 [18] along, those are the reasons we previously  
 [19] discussed?  
 [20] A: Yeah.  
 [21] Q: Okay. Was there anything else?  
 [22] A: No. That was pretty much it.  
 [23] Q: Okay. Had you had any discussions or  
 [24] actually gone ahead and sought counseling, marital  
 [25] counseling, with Kirsten prior to the accident?

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**MICHAEL STEPSKI**

[1] **MICHAEL STEPSKI**  
 [2] A: No.  
 [3] Q: Other than what you've told us about in  
 [4] terms of having some arguments, how, if any, has the  
 [5] accident affected your relationship with Kirsten?  
 [6] A: Well, I feel like I'm not as much there  
 [7] for her emotionally as I used to be. I don't feel  
 [8] like I'm as close with her as I used to be.  
 [9] Q: In what way?  
 [10] A: Just in a loving, emotional closeness.  
 [11] Q: Okay. Any other ways in which your  
 [12] relationship has changed which you ascribe to the  
 [13] accident?  
 [14] A: Being away from her seems harder for her  
 [15] if I have to be away from her for extended periods  
 [16] of time, fishing out of town and stuff.  
 [17] Q: Okay. Anything else?  
 [18] A: Not that I can think of off the top of my  
 [19] head.  
 [20] Q: Okay. Let me go back to the day of the  
 [21] accident. Kirsten learned of the incident when you  
 [22] called her from Cape Cod, is that right?  
 [23] A: The Coast Guard called her.  
 [24] Q: Okay. All right. Did you speak to her  
 [25] at that time as well?

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**MICHAEL STEPSKI**

[1] **MICHAEL STEPSKI**  
 [2] A: No. It was after they had rescued us and  
 [3] brought us back, then I finally called her.  
 [4] Q: Okay. So if I'm understanding you, you  
 [5] were still on the chopper on the way to Cape Cod  
 [6] when someone at the Coast Guard called Kirsten, is  
 [7] that right?  
 [8] A: They called her when they got our EPIRB  
 [9] signal.  
 [10] Q: Okay.  
 [11] A: And asked her where I was.  
 [12] Q: And asked her what? I'm sorry?  
 [13] A: They were asking if she knew where I was,  
 [14] that kind of thing. They told her that they were  
 [15] looking for me.  
 [16] Q: Okay. When you got off the helicopter in  
 [17] Cape Cod, did you call Kirsten then?  
 [18] A: Yes. Shortly thereafter.  
 [19] Q: What did you say to her?  
 [20] A: I told her what had happened, and we're  
 [21] all right. She may have already been on her way up  
 [22] there. I think the Coast Guard may have told her  
 [23] that they found us and stuff, so —  
 [24] Q: Did you call her at home, or did you call  
 [25] her cell phone?

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[1] **A:** Cell phone, yeah.  
[2] **Q:** Okay. Did you tell her not to worry?  
[3] **A:** Yeah, yeah. I told her we were fine.  
[4] **Q:** Okay. And what did she say to you?  
[5] **A:** Well, she was a mess, a worried mess.  
[6] From the time the guy called her to the time she got  
[7] there, she was really a nervous mess, basically.  
[8] **Q:** Okay. Did you have any further  
[9] discussions, either when she arrived in Cape Cod or  
[10] on the phone before she arrived or in the car  
[11] afterwards?  
[12] **A:** Yeah. Yeah.  
[13] **Q:** What was discussed?  
[14] **A:** Basically, you know, of course we told  
[15] her the story what happened.  
[16] She told us how, you know, her whole story  
[17] of coming up. She had told me how she'd gone across  
[18] the bridge in town here in the fog and saw how thick  
[19] the fog was, and she had a really bad feeling. It  
[20] was actually right about the same time that we got  
[21] hit.  
[22] She had gotten pulled over on the way up  
[23] there by the cop for going too fast and told the  
[24] story to the cop, and he actually called the Coast

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**MICHAEL STEPSKI**

[1] Guard station to see if the story was true. He sent  
[2] her on her way but told her to slow down. It was  
[3] that kind of stuff.  
[4] And she, of course, brought us to the  
[5] hospital for testing.  
[6] **Q:** Okay. Have you had numerous  
[7] conversations with Kirsten about how the accident  
[8] happened or just on that day?  
[9] **A:** No, we talked about it more after that,  
[10] you know, just for her to get a complete picture of  
[11] everything that happened. She had asked.  
[12] **Q:** Okay. After you got back here to  
[13] Connecticut the day after the accident, when was the  
[14] next time that you saw any of the members of the  
[15] crew?  
[16] **A:** I don't remember if it was right away or  
[17] what.  
[18] **Q:** Within a couple of days, a week?  
[19] **A:** I really don't remember.  
[20] **Q:** Well, when you saw them, did you discuss  
[21] the accident?  
[22] **A:** Yeah. Oh, yeah. Well, like I said, I  
[23] don't remember when I saw them, but I'm sure we did.  
[24] **Q:** Okay. What else did you talk about?

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**MICHAEL STEPSKI**

[1] **A:** I don't know.  
[2] **Q:** How often — withdrawn.  
[3] Were you social friends before the  
[4] accident with Geal?  
[5] **A:** Yeah, yeah. Wait, before the accident?  
[6] No, it was more after the accident we became  
[7] friends. Before that it was more from he had worked  
[8] with me. I wouldn't call us really close friends  
[9] before that. We've gotten much closer since then.  
[10] **Q:** Okay. How often do you socialize with  
[11] Geal now?  
[12] **A:** I talk to him, oh, I'd say I probably  
[13] talk to him once a week or so. Occasionally we'll  
[14] get together with our families on the weekend or  
[15] stuff like that, or birthday-type stuff.  
[16] **Q:** Okay. What about Schober?  
[17] **A:** It was only his second trip. I had only  
[18] met him before the first trip. He was my cousin's  
[19] brother-in-law, and he was looking for work, so —  
[20] **Q:** Did you socialize with him after the  
[21] accident?  
[22] **A:** No, not really. I mean, I see him  
[23] occasionally at my cousin's house when we're over  
[24] there, but it's rare that we go there, you know.

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**MICHAEL STEPSKI**

[1] **Q:** How often have you seen Ben since the  
[2] accident? Other than the meetings with the lawyers.  
[3] **A:** Not much more than that. Like I say,  
[4] just the times that he happens to be at my cousin's  
[5] house if we're there for a visit.  
[6] **Q:** Okay. Did you see any news articles in  
[7] the paper about the collision?  
[8] **A:** Yes.  
[9] **Q:** Did you save those articles?  
[10] **A:** Yeah.  
[11] **Q:** Do you still have them?  
[12] **A:** Yeah.  
[13] **Q:** Would you provide a copy to your  
[14] attorney?  
[15] **A:** Sure.  
[16] **Q:** Okay.  
[17] **MR. UNGER:** And would you give us  
[18] copies, Tom?  
[19] **MR. HEALEY:** (Nodding.)  
[20] **MR. UNGER:** Okay.  
[21] **MR. HEALEY:** I'll check it. I might  
[22] have them already. I have some.  
[23] **MR. UNGER:** Okay.  
[24] **MR. HEALEY:** So all I'll do is wait



**MICHAEL STEPSKI**  
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(1) **MICHAEL STEPSKI**  
(2) to make sure that I've got it all, and  
(3) I'll be happy to give them to you.  
(4) **MR. UNGER:** Okay.  
(5) **BY MR. UNGER:**  
(6) **Q:** Did you give any interviews to reporters?  
(7) **A:** Yeah. Yeah, we hit the — there were  
(8) three news channels that came to the house and  
(9) interviewed me.  
(10) And then a fellow from The Day newspaper  
(11) did a bigger story a little while later, and we went  
(12) there, and me and Geal told him what happened.  
(13) **Q:** Okay. Did you get copies of the video,  
(14) of the news stories?  
(15) **A:** Oh, no, no.  
(16) **Q:** Did you discuss the happening of the  
(17) accident with other people besides the crew members  
(18) and your wife and the attorneys and —  
(19) **A:** Yeah, I've had a lot of people ask me  
(20) about it and told them, you know, that's — a bit.  
(21) **Q:** You told them, I'm sorry?  
(22) **A:** You know, bits of the story.  
(23) **Q:** Have you ever sat down at length with  
(24) anybody and told the story?  
(25) **A:** Not really. I told them the basics of

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(1) **MICHAEL STEPSKI**  
(2) what happened. And I didn't get into it too deeply  
(3) with many people.  
(4) **Q:** Did you ever discuss with anybody besides  
(5) Dr. Small and your wife and Geal any of the problems  
(6) you were having as a result of the accident?  
(7) **A:** No. No.  
(8) **Q:** How much are you out of pocket for  
(9) expenses to Dr. Small?  
(10) **A:** I don't remember exactly. Like I say, I  
(11) was paying her pretty much half every visit.  
(12) **Q:** Can you give me an estimate?  
(13) **A:** Oh, Jeez.  
(14) **MR. HEALEY:** I'll try to find this  
(15) out.  
(16) **MR. UNGER:** Okay.  
(17) **MRS. STEPSKI:** I provided it.  
(18) **MR. HEALEY:** Yeah, I know we have.  
(19) **BY MR. UNGER:**  
(20) **Q:** Have you had any discussions at all about  
(21) the accident with a minister or priest of any  
(22) churches you might belong to?  
(23) **A:** No.  
(24) **Q:** Okay. The dreams that you have, am I  
(25) correct that it's not a repetition of the accident,

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(1) **MICHAEL STEPSKI**  
(2) it's different bad things happening to various  
(3) people, is that right?  
(4) **A:** Yeah. I don't remember a lot of my  
(5) dreams, but I do remember having at least a couple  
(6) of dreams about the accident, the same situation,  
(7) but —  
(8) **Q:** Okay.  
(9) **A:** It's just bad things happening.  
(10) **Q:** Okay. You mentioned having these bad  
(11) thoughts, but other than the bad thoughts, do you  
(12) ever relive the event?  
(13) **A:** Oh, yeah, yeah. Like I said, the time  
(14) when that shadow came over me that day, that really  
(15) brought me right back to the event. But I always  
(16) think about the whole day, you know, pretty much  
(17) every day, I'd have to say.  
(18) **Q:** Okay.  
(19) **A:** Especially just seeing that thing come  
(20) out of the fog. I relive that a lot.  
(21) **Q:** Do you have these recollections of the  
(22) incident more often on days where there's bad  
(23) weather or fog?  
(24) **A:** Yeah. When I look out at the fog, I  
(25) always remember that ship as it was coming through,

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(1) **MICHAEL STEPSKI**  
(2) as it came through the fog.  
(3) **Q:** Okay.  
(4) **A:** Yeah, the thing with that situation, as  
(5) soon as I saw that thing, I thought we were done  
(6) for. I thought I was dead.  
(7) And I think it's that that's really —  
(8) that hurt me the worst is looking at death basically  
(9) right in the eye and then having it come through, and  
(10) then afterwards still being alive. That's what I've  
(11) kind of narrowed it down to myself is that I kissed  
(12) my ass good-bye. I thought I was done for.  
(13) You know, I said good-bye to my daughter.  
(14) I thought my poor daughter is going to grow up  
(15) without a father, and I thought that was the worst  
(16) thing in the world.  
(17) Because I'm really close with my father,  
(18) you know, and I think it's really important to have a  
(19) connection like that through your life. And I hope  
(20) I'm there for her way down the road like my father is  
(21) for me right now.  
(22) You know, I thought I was gone, you know?  
(23) Just having been through that, I think that's what is  
(24) really causing a lot of the troubles that I have  
(25) today.

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**MICHAEL STEPSKI**

[1] **Q:** Okay. Is there anything else that you  
[2] can think of that you haven't told us about that you  
[3] attribute to the accident in the way of either  
[4] problems that stem from the accident or  
[5] repercussions of the accident?

[6] **A:** Other than the ones I've already told  
[7] you, I can't really think of anything else.

[8] **Q:** Okay.

[9] **MR. UNGER:** I know Alan had a couple  
[10] of —

[11] **MR. WEIGEL:** Just a couple of quick  
[12] follow-ups.

[13] **MR. UNGER:** While I check my notes.

**REDIRECT EXAMINATION****BY MR. WEIGEL:**

[14] **Q:** Mr. Stepski, when you were — since the  
[15] accident, have you ever been shown, or did you ever  
[16] look at photographs of the Norasia Alya?

[17] **A:** Yeah. Yeah. Tom had shown me some  
[18] recently.

[19] **Q:** Recently? How recently?

[20] **A:** It was the last time we met after the

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**MICHAEL STEPSKI**

[1] first depositions.

[2] **Q:** And what kind of photographs did he show  
[3] you?

[4] **A:** It was a side view of the ship, and then  
[5] one of the front.

[6] **Q:** But where was the ship? Was the ship at  
[7] sea? Was it a photograph of the ship at sea or  
[8] alongside the pier?

[9] **A:** He said it was when it came into the port  
[10] here.

[11] **Q:** Okay. After the accident, about a week  
[12] and a half, a week to a week and a half, you said  
[13] you went out and retrieved the nets, and you talked  
[14] a little bit about this during the first part of  
[15] your deposition in November, but I just want to make  
[16] sure I understand.

[17] How many nets did you have out on the day  
[18] of the accident?

[19] **MR. HEALEY:** How many nets? How  
[20] many lines? What are we —

**BY MR. WEIGEL:**

[21] **Q:** How many — well, a net is a section,  
[22] right? One complete section is what you call a net,  
[23] right?

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**MICHAEL STEPSKI**

[1] **A:** Yeah. There's 20 nets on one string.

[2] **Q:** Okay.

[3] **A:** We had six of those strings.

[4] **Q:** So you had 120 sections — 120 nets?

[5] **A:** Yeah.

[6] **Q:** And how many did you retrieve when you  
[7] went back to retrieve them?

[8] **A:** Oh, to go back? Four or five, if I  
[9] remember. Well, the one we were hauling at the time  
[10] we didn't get. I'm not sure if we got all five that  
[11] were left or just four.

[12] **Q:** So you got somewhere between 80 — you  
[13] either got 80 or 100 of them back?

[14] **A:** Yeah.

[15] **Q:** And where are those nets today?

[16] **A:** Still using them.

[17] **Q:** Are those the same ones that you're — so  
[18] the four or five strings that you recovered a week —  
[19] and a half after the accident are the ones that you  
[20] have in use today?

[21] **A:** Yes.

[22] **Q:** So you at most lost, say, 40 nets?

[23] **A:** Yeah.

[24] **Q:** Okay. And in your value of gear and boat

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**MICHAEL STEPSKI**

[1] loss statement, which is Exhibit 29, at the top  
[2] where it says, or a couple lines down where it says  
[3] "Nets lost, \$3,500," is that the value of the, let's  
[4] say 40 nets? Or what does that represent?

[5] **A:** I forget what they go for right now new.

[6] **Q:** How many nets do you have on the boat  
[7] right now?

[8] **A:** I think they're close to 200 apiece, if I  
[9] remember right. So 20 would have been 2,000. About  
[10] 20 to 40, I guess.

[11] **Q:** Okay. So this is just the value of  
[12] the — this doesn't include the nets that were  
[13] recovered? This just includes the nets that were  
[14] not recovered, is that correct?

[15] **A:** I believe so, yes.

[16] **Q:** Okay. Now, if we go to Exhibit 27, this  
[17] is the projected lost income statement, it says  
[18] there that you had 33 trips left in this period of  
[19] time when you're claiming lost income.

[20] But I understand that you'd already done  
[21] 20 trips that year in 2004, correct?

[22] **A:** Is that right? Yeah. I think so, yeah.

[23] **Q:** And you're only allowed a total of 40  
[24] trips, right?

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**MICHAEL STEPSKI**

[1] A: No, forty 24-hour trips. If you break it  
[2] down into 15 hours or less, you end up getting more.  
[3] I'm not sure what exactly it works out to. And then  
[4] you can also have three-hour trips.

[5] So it depends on how you use them. You  
[6] know, if you use 24 hours or if you use 15.

[7] Q: Well, how long would it take from the  
[8] time you would leave dock, go to where you had the  
[9] nets located, haul the nets, reset them and go back  
[10] to port? Is that considered one trip?

[11] I mean, if that was 24 hours, that would  
[12] be considered one trip?

[13] A: Well, yeah. It depends. Even if you're  
[14] out for three hours, it's still a trip, you know  
[15] what I mean? It's just however long it takes to get  
[16] back.

[17] Q: So each time you leave the dock counts as  
[18] one trip?

[19] A: Yeah.

[20] Q: I'm trying to understand how the permit  
[21] system works.

[22] A: Yeah, yeah.

[23] Q: So if you'd already done 20 trips —

[24] A: Well, it depends on how many hours we  
[25]

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**MICHAEL STEPSKI**

[1] used.

[2] Q: Well, that's what I'm trying to  
[3] understand.

[4] If each of these 20 trips you'd gone out  
[5] to where the nets were and recovered them and came  
[6] back, wouldn't that be enough hours to consider that  
[7] to be a full trip?

[8] A: Well, the way — they add it by actual  
[9] time. If it's 15 hours — no, no, no. If it's less  
[10] than 24 hours, they count it as actual time used.

[11] So say you only, it only took 15 hours,  
[12] that's how much you would get charged for.

[13] Q: So you'd only get charged 15 hours rather  
[14] than a full 24-hour day?

[15] So the trip is based on a 24-hour day, is  
[16] that what you're trying to tell me?

[17] If you use less than a 24-hour day, you  
[18] still have some extra time you can put over to  
[19] another trip?

[20] A: Yeah. Yeah. That's how the days —  
[21] yeah.

[22] Q: Well, were any of the 20 trips that you  
[23] had before the accident less than 24-hour trips?

[24] A: I don't know what they were. I think  
[25]

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**MICHAEL STEPSKI**

[1] these were all 24-hour trips because of the  
[2] distance, you know. That's about how long it took.

[3] Q: So do you think you had more or less than  
[4] 20 trips left after the accident?

[5] A: If we used 20 — well, we could have much  
[6] more, especially as the fishing gets good up  
[7] inshore. If we only use 15 hours, then that can —

[8] Q: So some of these 33 trips that you're  
[9] referring to in this statement, they weren't  
[10] necessarily out where the accident happened, they  
[11] could have been inshore locations?

[12] A: Yes.

[13] Q: Okay.

[14] A: Afterward, yes.

[15] Q: Okay. Now, you said that on one of the  
[16] trips that you made after the accident on a friend's  
[17] boat you were in a situation where there was another  
[18] ship, and you had the right-of-way, the other ship  
[19] wasn't maneuvering, and that made you very nervous,  
[20] correct?

[21] A: Yeah.

[22] Q: Is that the testimony?

[23] A: Yep. Yep.

[24] Q: Why did you think the other ship had the  
[25]

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**MICHAEL STEPSKI**

[1] right-of-way?

[2] MR. HEALEY: Friendly. Go off the  
[3] record.

[4] (Discussion held off the record.)

[5] BY MR. WEIGEL:

[6] Q: So in that situation where you said you  
[7] had the right-of-way and the other ship had to give  
[8] way, why did you think that was the case? What was  
[9] the circumstance?

[10] A: It was another small vessel. He was  
[11] headed east, we were headed south — not east, he  
[12] was headed west, rather, and we were headed south.  
[13] And we had the right-of-way because of the rules of  
[14] the road.

[15] Q: It was a crossing situation?

[16] A: Yeah.

[17] Q: And you had the right-of-way?

[18] A: Yeah.

[19] Q: On the day of the accident, who did you  
[20] understand had the right-of-way as between you and  
[21] the ship that hit you?

[22] A: Well, when you're fishing, you generally  
[23] just hold your course and boats go around you, you  
[24] know? Any kind of fishing we've always done,  
[25]



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**MICHAEL STEPSKI  
January 4, 2007**

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[1] **MICHAEL STEPSKI**  
[2] especially with the dragging, there's not much you  
[3] can do to move, so that's why fishing vessels  
[4] usually have the right-of-way.  
[5] And we were hauling gear at the time, so  
[6] technically I'd say we had the right-of-way.  
[7] Q: Now, it was dense fog, right?  
[8] A: Yeah.  
[9] Q: How would the other ships know when they  
[10] saw you on the radar, how would they know you were  
[11] fishing?  
[12] A: Well, because we weren't moving, for one,  
[13] would be a big indicator. Usually if you're  
[14] steaming and a boat's stopped, you go around them  
[15] whether they're fishing or not. I mean, if they're  
[16] stopped —  
[17] Q: Is that a rule of the road, if another  
[18] ship's stopped and you're underway, you're supposed  
[19] to go around it?  
[20] A: I'm pretty sure it is. But that's  
[21] generally what people do.  
[22] Q: Well, how, when it's foggy, how do you  
[23] indicate to other ships that you're engaged in  
[24] fishing?  
[25] A: There's a fog signal you can give. The

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[1] **MICHAEL STEPSKI**  
[2] lights, you know, the fishing lights, of course.  
[3] And the day shape that we carry. Or if they're not  
[4] moving. If they're stopped, you can pretty much  
[5] assume that.  
[6] Q: So were you sounding fog signals?  
[7] MR. HEALEY: We've been through all  
[8] of this now. You said we wouldn't. I  
[9] agree with you, he says he was not. He  
[10] wasn't. It's a given.  
[11] MR. WEIGEL: Oh, I didn't actually  
[12] remember that he said that.  
[13] MR. HEALEY: Oh, yes.  
[14] MR. WEIGEL: Oh, okay.  
[15] MR. HEALEY: Oh, yes, it's admitted.  
[16] MR. WEIGEL: Okay. All right. Then  
[17] I have no further questions.  
[18] MR. HEALEY: Okay.  
[19] MR. WEIGEL: That's it.  
[20] (Whereupon, the deposition was  
[21] concluded at 5:25 p.m.)  
[22]  
[23] + + +  
[24]  
[25]

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[1] **MICHAEL STEPSKI**  
[2] **ERRATA SHEET**  
[3]  
[4] REPORTER: Peggy McKie  
[5] NAME OF CASE: Stepski vs. Norasia Alya, et al  
[6] DEPONENT: Michael Stepski  
[7] DEPOSITION DATE: January 4, 2007  
[8]  
[9] PAGE LINE NOW READS SHOULD READ  
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[1] **458**  
[2] **MICHAEL STEPSKI**  
[3] **JURAT**  
[4]  
[5]  
[6] I, Michael Stepski, do hereby certify that  
[7] the foregoing testimony given by me on January 4,  
[8] 2007, is true and accurate, including any  
[9] corrections noted on the Transcript Corrections  
[10] page, to the best of my knowledge and belief.  
[11]  
[12]  
[13]  
[14]  
[15] Michael Stepski  
[16]  
[17]  
[18]  
[19] In the city of \_\_\_\_\_ in  
[20] said county of \_\_\_\_\_, this \_\_\_\_\_  
[21] day of \_\_\_\_\_, 2007, personally  
[22] appeared MICHAEL STEPSKI, and he made oath to the  
[23] truth of the foregoing answers. Subscribed before  
[24] me, \_\_\_\_\_, Notary Public.  
[25] My commission expires: \_\_\_\_\_

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MICHAEL STEPSKI

[2]  
[3] CERTIFICATE OF REPORTER

[4]  
[5] I, Peggy McKie, a Registered Professional  
Reporter/Commissioner within and for the State of  
[6] Connecticut, do hereby certify that I took the  
deposition of Michael Stepski on January 4, 2007,  
[7] who was by me duly sworn to testify to the truth  
and nothing but the truth, that he was thereupon  
[8] examined upon his oath, and his examination was  
reduced to writing by means of computer-assisted  
[9] transcription, and that this deposition is a true  
record of the testimony given by the witness.

[10]  
[11] I further certify that I am neither attorney  
nor counsel for, nor related to, nor employed by  
[12] any of the parties to the action in which this  
deposition is taken, and further that I am not a  
[13] relative or employee of any attorney or counsel  
employed by the parties hereto, nor financially  
[14] interested in the outcome of the action.

[15]  
[16] IN WITNESS THEREOF I have hereunto set my  
hand this 8th day of January, 2007.

[17]  
[18]  
[19]  
[20] Peggy McKie, RPR, LSR  
[21] Notary Public

[22]  
[23]  
[24]  
[25] My commission expires: November 30, 2008

## Lawyer's Notes

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(1) \$1,285 - always

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